

**REPORT TO THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE  
ON THE REALISATION BY THE REPUBLIC OF POLAND  
OF THE PROVISIONS  
OF *THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE  
FOR THE PROTECTION OF NATIONAL MINORITIES***

**Warsaw, 2002**

## TABLE OF CONTENTS

PART I: GENERAL PART.....	4
1. Characteristics of the political system, administrative division, geographical location of national and ethnic minorities.....	5
2. Status of international law in the international legislation.....	5
3. Declarations and speeches presenting Poland's policy in the field of protection of national and ethnic minorities.....	6
4. Population of national and ethnic minorities.....	7
5. General characteristics of national and ethnic minorities in Poland.....	8
6. Description of the situation on the territories inhabited by particular minorities.....	14
7. Basic data.....	16
PART II: REALISATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES.....	17
Article 1.....	18
Article 2.....	18
Article 3.....	18
Article 4.....	19
Article 5.....	20
Article 6.....	23
Article 7.....	24
Article 8.....	24
Article 9.....	27
Article 10.....	31
Article 11.....	32
Article 12.....	33
Article 13.....	35
Article 14.....	35
Article 15.....	40
Article 16.....	41
Article 17.....	41
Article 18.....	42
Article 19.....	44
PART III: AUTHORITIES AND INSTITUTIONS RESPONSIBLE FOR THE REALISATION OF POLICY TOWARDS MINORITIES AND ACTIONS UNDERTAKEN BY THEM.....	45
PART IV: DATA CONCERNING CRIMINALITY.....	49
PART V: FINAL REMARKS.....	51
PART VI: ANNEXE: LEGAL STATUS.....	53
CONSTITUTION OF THE REPUBLIC OF POLAND.....	55
PROVISIONS CONCERNING PARTICIPATION IN PUBLIC LIFE.....	58
REGULATIONS CONCERNING THE LANGUAGE.....	62
REGULATIONS CONCERNING THE CULTURE.....	67
REGULATIONS CONCERNING EDUCATION.....	67
REGULATIONS CONTAINED IN THE CODES.....	76
REGULATIONS CONTAINED IN BILATERAL AGREEMENTS.....	79
AGREEMENTS CONCLUDED WITH THE REPUBLIC OF BELARUSSIA.....	79
AGREEMENTS CONCLUDED WITH THE CZECH AND SLOVAKIAN FEDERAL REPUBLIC.....	82
AGREEMENTS CONCLUDED WITH THE REPUBLIC OF LITHUANIA.....	83
AGREEMENTS CONCLUDED WITH THE FEDERAL REPUBLIC OF GERMANY.....	87
AGREEMENTS CONCLUDED WITH THE RUSSIAN FEDERATION.....	90
AGREEMENTS CONCLUDED WITH THE REPUBLIC OF UKRAINE.....	92

**Act of 27 April 2000**  
**on Ratification of the Framework Convention for the Protection of National Minorities**  
(Journal of Laws no. 50, item 579)

*Art. 1. It is hereby agreed that the President of the Republic of Poland shall ratify the Framework Convention for the Protection of National Minorities, done in Strasbourg on 1 February 1995.*

*Art. 2. The Act shall enter into force within 14 days following its publication.*

On 18 April 2000, the Council of Ministers of the Republic of Poland adopted the interpretation Declaration to the *Framework Convention for the Protection of National Minorities*. The President of the Republic of Poland, Aleksander Kwaśniewski, signed the ratification act of the Convention on 10 November 2000. On 20 December 2000, at the seat of the Council of Europe in Strasbourg, ratification documents together with the Interpretation Declaration were deposited. Poland became signatory to the Convention on 1 April, 2001.

**Interpretation Declaration**

*Considering that the Framework Convention for the Protection of National Minorities does not contain any definition of national minority, Poland declares that this term shall mean national minorities inhabiting the territory of the Republic of Poland whose members are Polish citizens.*

*The Republic of Poland shall realise the Framework Convention also under art. 18 of the Convention by concluding international agreements, referred to in this articles, aimed at protection of national minorities in Poland and Polish minorities and groups in other states.*

***PART I: GENERAL PART***

## ***1. Characteristics of the political system, administrative division, geographical location of national and ethnic minorities.***

The Republic of Poland covers the area of 312 685 km<sup>2</sup> and is inhabited by 38 644 211 citizens (data published by the Central Statistical Office as at 31 December 2000). It borders on the Federal Republic of Germany, Czech Republic, Slovak Republic, Ukraine, Republic of Belarussia, Lithuanian Republic and Russian Federation (Kaliningrad District).

Most of Polish citizens belonging to national minorities are indigenous people. It should be noted that from 1385 to 1795 the lands of the today's Lithuania, Belarussia, most of Ukraine and Poland were a state organisation based not on territorial conquest but on voluntary state union (multinational Republic). Religious tolerance of the Republic of Poland of that time favoured the inflow of believers of other religions which contributed to the presence on the territory of Poland of Czechs – descendants of the Hussites, Russians – Greek Orthodox believers, Jews and German protestants.

Before World War II, national minorities accounted for one third of the whole population of Poland. As a result of the Holocaust, territorial changes after 1945 and displacements and relocations of the population, national proportions underwent considerable changes and, at present, national minorities account for 2-3% of the country inhabitants.

The Republic of Poland is a nationally homogeneous country, with parliamentary and cabinet governmental system. The Parliament consists of two houses and is elected in universal, direct election in secret ballot, and in the case of the Sejm [Diet] also in equal and proportional election. In accordance with the Election Ordinance to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland, political parties must exceed the 5% electoral threshold, and coalitions the 8% threshold. Electoral committees created by the constituents being members of registered organisations of national minorities are exempted from the requirement to exceed the 5% electoral threshold. As a result of the last parliamentary election held on 23 September 2001, seats in the Polish Parliament are held by representatives of the German national minority – elected from the electoral list of the German minority and of the Belarussian national minority – candidates from electoral lists of SLD [Democratic Left Alliance].

The Polish Parliament consists of the lower house – the Sejm (consisting of 460 deputies) and the upper house – the Senate (consisting of 100 senators).

The President is elected in universal election for 5 years' term of office. Present term of office of the Parliament and the President expire in 2005.

As a result of the administrative reform which entered into force on 1 January 1999, Poland is divided into 16 voivodships, which are divided into 315 counties (*powiaty*) and 2489 municipalities (*gminy*), of which 65 has the status of a town with the rights of a municipality. This new division took account of, among others, national structure and no artificial divisions were imposed. As a result, territories densely inhabited by the Lithuanian minority are now in Sejny county, and while creating the Opolskie voivodship account was taken of, among others, the opinion of the German minority. The highest concentration of national minorities is in the voivodships of Warmia and Mazury, Podlasie and Opole.

## ***2. Status of international law in the national legislation.***

Under art. 87 of the *Constitution of the Republic of Poland* dated 2 April 1997 (Journal of Laws no. 78, item 483), the sources of generally applicable laws of the Republic of Poland are the following: the Constitution, statutes, ratified international agreements, decrees and, on the areas of operation of the authorities who adopted them, local statutes.

Poland respects basic principles of the international law, in the spirit of the Charter of the United Nations and Final Act of the Conference for Safety and Co-operation in Europe, being at the same time party to international agreements, e.g. Vienna Convention on the Law of Treaties from 1963.

The provision of art. 91 of the *Constitution* stipulates that a ratified international agreement, after its publication in the Journal of Laws of the Republic of Poland constitutes part of the national legal system and is applied directly unless its application is made conditional upon passing a statute. An international agreement, ratified with a prior written consent expressed in the statute, takes precedence over a statute if the statute is in conflict with the agreement. If, however, it flows from the agreement,

ratified by the Republic of Poland, constituting an international organisation, the law established by it is applied directly, taking precedence in the case of collision with the statutes.

### ***3. Declarations and speeches presenting Poland's policy in the field of protection of national and ethnic minorities***

The policy of the Republic of Poland towards minorities, is pursued on the basis of internal laws and international instruments, signed and ratified by Poland, specifying the standards of protection of people belonging to national minorities.

After the end of World War II and the establishment of the UNO system of human rights protection, Poland became party to numerous UNO documents, including: *Universal Declaration of Human Rights*, *UNESCO Convention Against Discrimination in Education*, *International Convention on the Elimination of All Forms of Racial Discrimination*, *Convention on Civil and Political Rights*, *International Pact on Economic, Social and Cultural Rights*, as well as *Convention on the Rights of the Child*, *International Convention on Work Organisation no. 111 concerning Discrimination in Employment and Practice of Profession*. The Republic of Poland also acceded to the resolution – the Rights of people belonging to national, ethnic, religious and linguistic minorities, adopted at the 57<sup>th</sup> session of the Commission on Human Rights in Geneva. It should be emphasised that in July 2000, in Warsaw, within the framework of the preparations for the World Conference on Racism in Durban, a regional seminar of experts was held, devoted to the defence and strengthening of national mechanisms of human rights protection.

Out of 275 complaints reported by the end of 2001 to the Government of the Republic of Poland by the European Court of Human Rights, only one was related to the issue of minorities. It concerned an alleged infringement by Poland of the freedom of association, provided for in art. 11 of *the Convention on the Protection of Human Rights and Basic Freedoms*. The complaining parties reproached that Polish courts refusing to register an association under name: “Association of the Silesian nationality people” infringed the freedom of association. On 17 May 2001, a hearing was held in this case. On 20 December 2001, the Court issued its judgement in which, approving of the position of the Polish government, it unanimously stated that no infringement of the Convention by Poland took place.

The Polish government takes an active part in the actions of the Organisation for Security and Co-operation in Europe (OSCE) in the field of protection of the rights of minorities. Under the OSCE, Poland has signed the following documents regulating the protection of rights of national minorities: *Final Act of the Conference on Security and Co-operation in Europe*, *Document of the Copenhagen Meeting of the Conference on the Human Perspective of the Conference on Security and Co-operation in Europe*, *Challenges of the Times of Transformation – the Helsinki Document*. The Bureau of Democratic Institutions and Human Rights of the OSCE is based in Warsaw, and consequently, Poland hosts every year delegations of 55 member states of the Organisation of Security and Co-operation in Europe, representatives of international organisations and non-governmental organisations. These meetings are aimed at reviewing the commitments in the field of respect of human rights, law and order and principles of democracy by all the OSCE member states. During talks, a lot of attention was paid to creating a model of effective assistance to the Romany communities. Experience gained under the OSCE Forum is a good example for countries in the process of developing the principles of a strategy aimed at improving the situation of this minority.

The issues of national minorities are one of the main problems raised at the meetings of the Wyszehrad Group. Until now, four meetings devoted to these issues were held: in Bratislava on 10 December 1999, in Budapest from 27-28 April 2000, in Prague on 27 October 2000 and on 20 April 2001 in Warsaw. During the last meeting in Warsaw, the participants focused on the analysis of legal solutions aimed at protecting the rights of minorities. A lot of attention was paid to the issue of the Romany minority and exchange of experience in the implementation of programmes addressed to national and ethnic minorities in each country.

The Republic of Poland is member of the Central European Initiative which is another forum of exchange of experience concerning national and ethnic minorities. At the beginning of the 90-ties, Poland and other member states of the Central European Initiative presented joint projects of programmes of minority rights protection. Under the Initiative, a special conference was held which was devoted to the minorities issue and the Working Group for Minorities established under the

Central European Initiative was obliged to develop a project of the *CEI Instrument for the Protection of Minority Rights*. Poland became signatory to this document in April 1995. At present, the aim of the Working Group is the implementation of the provisions of the *Instrument*, exchange of information and experience as well as co-operation and promotion of national and international institutions established to protect the rights of national minorities.

Since 1989, the strategic goal of the Polish foreign policy is to obtain membership in the European Union. In accordance with the conclusions of the Council of Europe held in Copenhagen in June 1993, the Candidate Countries, prior to the EU accession, are obliged to meet specific requirements, including political criteria. Respect of the rights of national minorities is one of them. Under alignment measures, for the last four years Poland and other EU Applicant Countries have been assessed by the European Commission from the point of view of their readiness for accession. It should be emphasised that only two countries, namely Cyprus and Poland, were deemed to be pursuing an appropriate policy towards national and ethnic minorities (mainly, the Romanians). The Polish legislative power and public administration were deemed to be functioning properly from the point of view of national minorities protection.

Poland is signatory to the *European Social Charter* which contains, inter alia, the provisions concerning cases of discrimination against employees. The Polish *Labour Code* emphasises in its art. 11 that any kind of discrimination in employment relations, in particular on grounds of sex, age, disability, race, nationality, opinions, especially political or religious opinions, or union membership, is prohibited. The priorities of equal opportunities policy as far as the access to employment is concerned were taken due account of in *the National Strategy of Employment Growth and Human Resources Development in the years 2000-2006* and in *the National Plan of Actions promoting Employment for the years 2000-2001*. Both above mentioned documents present tasks falling under competencies of various ministries, central offices and other institutions.

Poland's participation in the European integration processes in the last decade was coupled with increased interest in the minorities issue. Poland has adopted international standards of human rights protection and actively co-operates with other democratic countries in their further development.

Poland changed its policy towards national minorities after the political system transformations in 1989, which was reflected in the speech delivered by Tadeusz Mazowiecki and the establishment of the Commission for National and Ethnic Minorities of the Sejm of the Republic of Poland. Prime Minister, Tadeusz Mazowiecki expressing his opinion on national and ethnic minorities said: "We would like them to feel here at home, to cultivate their language and enrich our community with their culture". The principles of the Polish government's policy with respect to national and ethnic minorities were presented also by the Minister of Foreign Affairs of the Republic of Poland, Władysław Bartoszewski, in his lecture *Democracy and Foreign Policy* delivered on 24 October 2000 at the Polish Institute of International Affairs. The Minister, apart from European integration processes and relations with the neighbours, focused on the protection of national minority rights and the necessity to develop modern international standards of human rights protection. In his opinion, the prevention of national and ethnic conflicts should be an important action in internal and foreign policy.

#### **4. Population of national and ethnic minorities**

Poland is now inhabited by representatives of 13 national and ethnic minorities, whose population is estimated at approximately 1 million people, which accounts for 2 – 3% of all the inhabitants. Part of people belonging to national and ethnic minorities live in communities, others are dispersed. In the post-war period, no data concerning the number of people belonging to national minorities were collected; therefore, all the cited data are estimates. Complete information on the national structure come from censuses carried out before the War (in 1921 and in 1931). In 1998, the Central Statistical Office decided to include the category "nationality" in the preliminary general census. In 1999, the Parliament passed the Act of 2 December *on national general census of population and housing* (2000 Journal of Laws no. 1, item 1 as amended) in accordance with which the census is to be conducted in May 2002. The census questionnaire contains, inter alia, two questions concerning nationality: to what nationality a particular person belongs and what language/languages are spoken the most often at home. The results of the census will be available in the middle of 2003.

## 5. General characteristics of national and ethnic minorities in Poland

Poland now houses the following national and ethnic minorities:

Minority	Estimated population (in thousands)	The highest concentration
Belarusians	200-300	Podlaskie Voivodship
Czechs	3	Voivodships: Dolnośląskie [Lower Silesian Voivodship], Lubelskie Voivodship, and Łódzkie Voivodship
Karaites	0,2	Dispersed
Lithuanians	20-25	Podlaskie voivodship
Lemks	60 –70	Voivodships: Małopolskie (Lower and Silesian Beskid Mountains), Podkarpackie [Subcarpathian Voivodship], Dolnośląskie, Warmińsko-Mazurskie [Warmia and Mazury Voivodship], Lubuskie Voivodship
Germans	300-500	Voivodships: Opolskie, Śląskie [Silesian Voivodship], Warmińsko-Mazurskie [Warmia and Mazury Voivodship] Kujawsko-Pomorskie [Cuiavian and Pomeranian Voivodship]
Armenians	5-8	Voivodships: Lower Silesian Voivodship, Małopolskie Voivodship
Gypsies	20-30	Voivodships: Małopolskie, mostly dispersed
Russians	10-15	Voivodships: Podlaskie Voivodship, Warmia and Mazury Voivodship
Slovaks	10-20	Małopolskie Voivodship (Szczepanów and Orawa)
Tatars	5	Podlaskie voivodship
Ukrainians	200-300	Voivodships: Lower Silesian Voivodship, Lubelskie Voivodship, Lubuskie Voivodship, Małopolskie Voivodship, Subcarpathian Voivodship, Warmia and Mazury Voivodship, Zachodniopomorskie [West-Pomeranian Voivodship]
Jews	8-10	Dispersed

Besides, the territories of the Pomeranian Voivodship are inhabited by the Kaszub community – ethnic group cultivating their regional traditions and using a language which is different from the Polish language. The population of this group is estimated at approximately 350-500 thousand people. The provisions of *the Constitution* regarding language rights are realised with respect to this group.

- **Belarusians**, a national minority of approximately 200-300 thousand people, mostly traditionally inhabiting the territory of the Podlaskie Voivodship. Overwhelming majority of Belarusians belong to the Polish Autocephalic Orthodox Church. It should be noted that in the Podlaskie Voivodship, representatives of the Belarusian community sit in self-government authorities, with majority in councils of certain counties and municipalities. Representatives of these groups are also MPs.



**Main organisations:**

- Belarussian Social and Cultural Society,
- Belarussian Association in the Republic of Poland, comprising the following: Belarussian Literary Association “Białowieża”, Belarussian Historic Association, Association of Belarussian Journalists, Programme Council of “Niwa” weekly magazine, Belarussian Students’ Association, Belarussian Association “Chatka” in Gdańsk and a political party Belarussian Democratic Union,
- Belarussian Youth Union.

**Major press titles:**

“Niwa” – weekly magazine,  
“Czasopis” – monthly magazine,  
“Haradockija Nawiny”,  
“Prawincyja”,  
“Termapiły”,  
“Annus Albaruthenicus”,  
“Bielski Hościniec”,  
“Belarussian Historic Notebooks” – semi-annual magazine

**Major cultural events:**

Belarussian Youth Music Festival “Basowiszczu”  
Festival “Belarussian Song” in Białystok,  
Belarussian Culture Festival in Białystok,  
Polish and Belarussian Literary Workshops “Biazmieżza”,  
Poetry and Prose Competition “Debiut”,  
“Kupalle” Holiday in Białowieża.

- **Czechs**, a national minority of approximately 3 thousand people, inhabiting the region of the Kłodzko Valley, Lubelszczyzna and the town of Żelów (near Piotrków Trybunalski). The Czechs living in Poland are traditionally members of the Evangelic Church.

**Main organisation:**

- Czech Club at the Slovak Association in Poland (representatives of the Czech minority being its members).

- **Karaites**, an ethnic minority of Turkish origin, of approximately 200 people. Karaites are dispersed in big countries throughout Poland. Karaites have lost their knowledge of their mother tongue; it is Karaite religion, originating from Judaism and Islam which distinguishes them.

**Main organisation:**

- Karaite Religious association.

- **Lithuanians**, a national minority of approximately 20-25 thousand people. The highest concentration of the Lithuanian minority is on the territory of municipalities of Puńsk, Szypliszki, Krasnopol and Sejny (Podlaskie Voivodship). Overwhelming majority of Polish Lithuanians belong to the Roman Catholic Church. In the municipality of Puńsk, Lithuanians accounting for over 80% of the population have gained considerable participation in self-government authorities. They also have their representatives in the authorities of the Sejny county,

**Main organisations:**

- Lithuanian Community in Poland,
- Association of Lithuanians in Poland,
- St. Casimir Lithuanian Society.

**Major press titles:**

“Ausra” – biweekly magazine,  
“Ausrele” – monthly magazine for children.

**Major cultural events:**

Folklore Fair “Zolines” in Puńsk,  
Rally of Lithuanians in Pszczelnik,  
Annual Festival of Barn Theatres in Puńsk,  
Sąskrydis – rally of Lithuanian music banks on the Gałduś Lake.  
Midsummer Night in Puńsk.

- **Lemks**, an ethnic minority of approximately 60-70 thousand people. In the past, they inhabited the so-called Łemszczyzna (Land of Lemks), namely the Lower Beskid Mountains and part of the Sądecki Beskid Mountains. As a result of the action “Wisła” in 1947 (condemned by the Upper House of the Polish Parliament in 1990), Lemks were displaced and now majority of them live dispersed outside their native region in the Warmia and Mazury Voivodship, Lubuskie Voivodship, West Pomeranian Voivodship and Lower Silesian Voivodship. It should be noted that some Lemks managed to avoid displacement from their native region and some were allowed to come back in 1956. Thus, the Lemk community is concentrated in the Subcarpathian Voivodship and Małopolska Voivodship. Some Lemks emphasise their belonging to the Ukrainian nation while others declare to be a separate national minority.

**Main organisations:**

- Union of Lemks (supporting member of the Association of Ukrainians in Poland),
- Association of Lemks,
- Association “Ruska Burska” in Gorlice,
- Society for the Development of Lemk Culture Museum in Zyndranowa,
- Russian Democratic Circle of Lemks “Hospodar” (political party).

**Major press titles:**

“Biesiada” – quarterly magazine.  
“Zahoroda” – quarterly magazine,  
“Watra” – quarterly magazine,  
“Lemkiwska Storinka”, supplement to the Ukrainian weekly magazine “Nasze Słowo” [Our Word].

**Major cultural events:**

Lemk “Watra” in Zdynia,  
“Watra na Obczyźnie” in Michałów,  
“Kiermesz w Olechowcu”,  
“Spotkanie z Łemkowszczyzną” [Meeting with the Land of Lemks],  
“Od Rusal do Jana” in Zyndranowa.

- **Germans**, a national minority of 300-500 thousand people, inhabiting the Opolskie Voivodship, Silesian Voivodship, Lower Silesian Voivodship, Warmia and Mazury Voivodship and Cuiavian and Pomeranian Voivodship. Representatives of the German minority are mostly Catholics; only some of them are Protestants (Evangelic - Augsburg Church). In some municipalities of the Opolskie Voivodship, Germans account for majority of the population and, consequently, play an important role in self-government authorities. In this voivodship, the German minority ranked the second in the last election to self-government authorities thanks to which its representatives are a co-ruling group in the voivodship self-government authorities.

Representatives of the German minority have sat in the Polish Parliament since the 1991 election.

**Main organisations:**

- Union of German Social and Cultural Associations in Poland. There are 10 standing members of the Union:
    - Voivodship Board of the Social and Cultural Society of Germans in Opole Silesia, Voivodship Boards of Social and Cultural Societies of Germans in the Silesian Voivodship, West Pomeranian Voivodship, Wielkopolska Voivodship, Łódź Voivodship, Lubuskie Voivodship, Lower Silesian Voivodship, Pomeranian Voivodship, Voivodship Board of the Union of German Associations in the former West Prussia, Voivodship Board of the Association of German Origin Population in the Cuiavian and Pomeranian Voivodship and 7 associate members:
    - Union of Silesian Farmers, Union of Silesian Rural Women, Silesian Medical Society, Upper Silesian Singers' Society, German Charitable Society in Silesia, German Educational Society, Union of the German Minority Youth in the Republic of Poland.
- Organisations of the German minority operating outside the Union of German Social and Cultural Associations in Poland include:
- Association of German Minority of Olsztyn,
  - Association of the Mazury Region,
  - German Community "Reconciliation and Future".
  - Silesian Self-government Association,
  - Eichendorff Institute,
  - Association of Authors and Artists of the German minority in Poland based in Bytom.

**Major cultural events:**

Diocesan and Regional Harvest Home at the Mount Saint Anna,  
Artistic Summer of National Minorities in Olsztyn,  
Review of Choruses – Walce,  
Review of Folk Bands and Orchestras of the German Minority in Leśnica,  
Review of the Silesian Artistic Creation in Dobrodzień and Dobrzeń,  
Mazury Talks in Mrągowo.

**Major press titles:**

"Schlesisches Wochenblatt" – weekly magazine,  
"Hoffnung" – monthly magazine,  
"Masurische Storchenpost" – monthly magazine,  
"Mitteilungsblatt " – monthly magazine,  
"Information and Cultural Bulletin" – bimonthly magazine,  
"Cultural Education Notebooks" – quarterly magazine.

- **Armenians**, a national minority of approximately 5-8 thousand people, living all over Poland, mainly in the Lower Silesian region and in Cracow.  
Armenians living in Poland are mainly Armenian or Latin Catholics, and overwhelming majority of them have lost knowledge of their mother tongue.

**Main organisations:**

- Armenian Cultural Society,
- J. Teodorowicz Association of Armenians in Poland

**Major press titles:**

"Bulletin of the Armenian Cultural Society" – quarterly magazine.

**Major cultural event:**

Polish national Meetings of the Armenian communities in Cracow.

- **Gypsies (the Romany)**, an ethnic minority, estimated at 20 – 30 thousand people. Gypsies form four main groups: Polish Romany [Polska Roma], Kelderasze, Lowarzy and Carpathian Gypsies (Bergitka Roma). Majority of them live in big cities: Warsaw, Poznań, Wrocław, Łódź and Gdańsk. Gypsies from Bergitka Roma group inhabit mountainous regions of the Małopolskie Voivodship (between Nowy Sącz and Nowy Targ). Gypsies belonging to this group also live in the cities of the Upper Silesian region and in Nowa Huta (borough of Cracow) where in the 50-ties of the 20<sup>th</sup> century Gypsies were employed.

Majority of Gypsies in Poland are Roman Catholics, some of them are however members of the Church of the Holy Spirit and Jehovah's Witnesses Group.

**Main organisations:**

- Central Council of the Romany,
- Association of the Romany in Poland,
- Association of the Romany National Minority "Roma Union" in Włocławek,
- Association of the Romany in Cracow,
- Cultural Centre of the Romany – Social and Cultural Society based in Tarnów,
- Social and Cultural Centre of Gypsies in the Republic of Poland in Kędzierzyn-Koźle,
- Association of the Polish Romany in Szczecinek,
- Association of Polish Women in Cracow,
- Association of the Romany in Poland "Czechrań" in Bytom,
- Association of the Creators and Friends of the Gypsy Culture in Gorzów Wielkopolski,
- Association of the Romany in the district of Nowy Sącz.

**Major press titles:**

"Rrom po Drom" – monthly magazine,

"Dialog – Pheniben" – quarterly magazine.

**Major cultural events:**

International Meetings of Gypsy Music Bands in Gorzów Wielkopolski,

International Festival of Songs and Culture of the Romany in Ciechocinek,

International Camp in Commemoration of the Romany – Tarnów – Żabno – Szczurowa,

Opening and Closing of the Gypsy Season in Tarnów.

- **Russians** - a national minority, of approximately 10-15 thousand people living mainly in Białystok, Gdańsk, Cracow, Łódź, Warsaw, in Suwalszczyzna region and Mazury. Russians in Poland declare to be members of the Greek Orthodox Church. Small part of them are Old Believers represented since 1983 by the Supreme Council of Old Believers. This group established in the second half of the 17<sup>th</sup> century as a result of scission in the Russian Orthodox Church after the ecumenical council in 1654. Old Believers came to Poland from northern Russia in the 80-ties of the 17<sup>th</sup> century fleeing religious persecutions.

**Main organisation:**

- Russian Cultural and Educational Association in Białystok,
- Association "Russian Community" in Warsaw.

**Major cultural event:**

Days of the Russian Culture in Białystok.

- **Slovaks** – a national minority of 10-20 thousand people, traditionally inhabiting the area of Spisz and Orawa (Małopolskie Voivodship). Slovaks declare to be members of the Roman Catholic Church.

**Main organisation:**

- Association of Slovaks in Poland.

**Major press title:**

“Zivot” – monthly magazine

**Major cultural events:**

Days of the Slovak Culture in Jabłonka Orawska,  
Review of Countryman’s Wind Bands,  
Review of Folk Bands in Krempachy.

- **Tatars** – an ethnic minority of approximately 5 thousand people, inhabiting native Tatar colonies in Białostoczczyzna region (Bohoniki and Kruszyniany) and in Wielkopolska, Gdańsk Pomerania, Silesia and in the cities and town: Białystok, Dąbrowa Białostocka, Sokółka, Gdańsk, Gorzów Wielkopolski, Warsaw and Poznań.  
The Tatars in Poland lost knowledge of their native language but have remained faithful to their religion – Islam.

**Main organisation:**

- Association of the Polish Tatars in the Republic of Poland

**Major press titles:**

“Yearly Magazine of the Polish Tatars”,  
“Tatar life” – quarterly magazine,  
“Almannah Millet” – semi-annual magazine.

**Major cultural event:**

Summer Academy of the Knowledge about the Polish Tatars.

- **Ukrainians** – a national minority of approximately 200-300 thousand people. It should be noted that as a result of the 1947 Wisła action carried out by the communist government, the Ukrainians inhabiting the area of south-western Poland were displaced to the area of northern and western Poland. At present, this minority is dispersed which considerably hinders its activity. The highest concentration of the Ukrainian minority is present on the territory of the Warmia and Mazury Voivodship, West Pomeranian Voivodship, Lower Silesian Voivodship, Lubelskie Voivodship and Podlaskie Voivodship. It should be noted that part of Ukrainians managed to avoid displacement from their native regions and some were allowed to come back in 1956. Thus, the Ukrainian community is concentrated in the Carpathian Voivodship and Małopolskie Voivodship. Majority of the Ukrainians in Poland are members of the Byzantine – Ukrainian Catholic Church. Some declare to be members of the Polish Autocephalic Orthodox Church.  
The Ukrainian minority has its own representatives in self-government authorities mainly in the Warmia and Mazury Voivodship with approximately 50 deputies of Ukrainian origin with seats at various levels of government (including the head of the voivodship *sejmik*).

**Main organisations:**

- Association of the Ukrainians in Poland,
- Association of Independent Ukrainian Youth,
- Association of the Ukrainians of the Podlasie region,
- St. Włodimir Orthodox Church Fraternity,
- Ukrainian Teachers’ Society in Poland,
- Association of the Ukrainians – Political Prisoners of the Staline Regime,
- Ukrainian Culture Foundation,
- Foundation of St. Włodimir the Baptist of the Kijów Russia.

**Major press titles:**

“Nasze Słowo” – weekly magazine,  
“Svitanok” – supplement for children to “Nasze Słowo”,  
“Nad Buhom i Narwoju” – biweekly magazine.

**Major cultural events:**

Festival of the Ukrainian culture in Sopot,  
 Festival of the Ukrainian culture in Podlasie,  
 Days of the Ukrainian culture,  
 Youth Fair in Gdańsk.

- **Jews** - a national minority of 8-10 thousand people dispersed throughout Poland, living mainly in big cities.  
 Jews are followers of Judaism.

**Main organisations:**

- Social and Cultural Society of Jews in Poland,
- Association of the Children of Holocaust in Poland,
- Jewish Historical Institute Association,
- Polish Union of Jewish Students,
- Federation of Jewish Organisations,
- Union of Jewish Religious Communes in the Republic of Poland,
- E. R. Kamińska State Jewish Theatre

**Major press titles:**

“Dos Jidisze Wort – Jewish Word” – biweekly magazine,  
 “Midrasz” – monthly magazine

**Major events:**

Festival of the Jewish Culture in Cracow,  
 March of the Living in Oświęcim,  
 Shoah Victims Remembrance Day,  
 Anniversary of the Warsaw Ghetto Uprising.

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It should also be noted that press and confession organisations play an important role in maintaining the national identity of minorities:

- “Greek Orthodox Review” monthly magazine,
- St. Cyril and Methodius Greek Orthodox Fraternity,
- Youth Greek Orthodox Fraternity,
- Karaite Religious Association in the Republic of Poland,
- “Błahovist” – a magazine published by the Byzantine – Ukrainian Catholic Church,
- Union of Jewish Religious Communes in the Republic of Poland,
- “The World of Islam” – social and cultural magazine of the Polish Tatars.

**6. Description of the situation on the territories inhabited by particular minorities**

Majority of people belonging to national minorities inhabit the western voivodships – the least economically developed ones. GDP in those voivodships ranges from 24-26%<sup>1</sup> of the EU average while per capita income ranges from 26.1 – 27.8% of the EU average. Unemployment rate in those voivodships, according to the data published at the end of July 2001 is at the level of 13.8% in the Podlaskie Voivodship, 25.6% in the Warmia and Mazury Voivodship and 16.2% in the Subcarpathian Voivodship. It should also be noted that these are mainly agricultural areas with small agricultural farms.

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<sup>1</sup> All data cited in this chapter were published by the Central Statistical Office.

Yet, we have been recording an increase in the number of companies with foreign participation on these areas. The Subcarpathian Voivodship and Warmia and Mazury Voivodship have seen an increase in the sold production by 3.7% and 2.5% respectively, while the Podlaskie Voivodship has recorded an increase of 1.7%.

Rural areas of the West Pomeranian Voivodship and Lubuskie Voivodship, inhabited in large part by the Ukrainian minority and Lemk minority, are in a difficult economic situation caused by the collapse of former state-owned agricultural farms (PGRs). Unemployment seems to be the most serious problem.

Other areas of the Republic of Poland, inhabited by national minorities, are in a better economic situation. They have been recording an increase in the number of commercial law companies (in the 1<sup>st</sup> half of 2001 by 5.6% compared with the corresponding period of the previous year when the increase amounted to 4.1%), improvement of financial condition of enterprises and higher profitability of economic activity. Good economic results have been recorded in the Opolskie Voivodship inhabited by the German minority.

### 7. Basic data

	Area in km <sup>2</sup> (as at December 31, 2000)	Population (as at December 31, 2000)	GDP per capita (as at December 31, 2000)	Registered unemployed (as at December 31, 2000)	Unemploy ment rate (as at December 31, 2000)
POLAND	312 685	38 644 211	15 914	2 702.6	15.0
Lower Silesian Voivodship	19 948	2 972 667	16 273	231.7	18.1
Cuiavian and Pomeranian Voivodship	17 970	2 099 724	14 121	181.2	19.4
Lubelskie Voivodship	25 114	2 232 054	11 112	159.7	14.0
Lubuskie Voivodship	13 984	1 023 988	14 444	89.1	20.5
Łódzkie Voivodship	18 219	2 643 385	14 497	208.1	16.1
Małopolskie Voivodship	15 144	3 233 799	14 231	185.2	11.9
Mazovian Voivodship	35 579	5 072 335	23 760	289.9	11.1
Opolskie Voivodship	9 412	1 084 665	13 320	69.3	15.3
Subcarpathian Voivodship	17 926	2 218 605	11 685	182.2	15.9
Podlaskie Voivodship	20 180	1 221 128	11 580	79.2	13.7
Pomeranian Voivodship	18 293	2 198 322	16 120	147.2	16.2
Silesian Voivodship	12 294	4 847 600	17 565	259.8	12.8
Świętokrzyskie Voivodship	11 691	1 322 879	12 435	118.5	16.5
Warmia and Mazury Voivodship	24 203	1 468 313	12 341	158.2	24.5
Wielkopolskie Voivodship	29 826	3 360 899	16 747	193.3	12.3
West Pomeranian Voivodship	22 902	1 733 848	15 924	150.1	20.5

Source: Central Statistical Office (GUS)



***PART II: REALISATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES***

### **Article 1**

*The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.*

Poland has adopted a number of international law acts regulating, inter alia, the rights of national minorities. The list of the most important acts and information concerning the status of international law in the domestic legislation have been discussed in the first part (chapter 2 and 3).

### **Article 2**

*The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.*

Poland's ratification of the *Convention* means the necessity to adjust its internal legislation to the principles listed in the *Convention*. But, first of all, it means Poland's solemn declaration that the objectives listed in the preamble to the Convention are the objectives of the Polish State. It means that Poland has recognised that the protection of national minorities is essential for the stability, security and peace in Europe and that ethnic, linguistic, religious and cultural diversity should be respected. It means deep conviction that diversity enriches the country and its citizens. Poland – as signatory to the Convention – contributes the richness of cultures of its national minorities to the common cultural heritage of Europe.

Also its tradition makes Poland adopt such an attitude. The Republic of Poland has been for centuries a stronghold of religious and national tolerance in Europe. Thus, Poland has hosted for many centuries such minorities as the Tatar minority, Jewish minority, Armenian minority, Karaite minority or Romany minority which, fleeing persecutions in other countries found their home in Poland.

In democratic countries, the presence of national minorities is an important social and cultural fact. As a result of the changes which took place in Poland after 1989, national and ethnic minorities may enjoy full rights under the domestic and international law. Polish government listens attentively to the voice of minorities, trying to create the conditions which would ensure the development of their culture and identity and the promotion of openness and tolerance in the Polish society, especially among the youth.

### **Article 3**

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*

Art. 53 of *the Constitution* guarantees the freedom of conscience. Section 1 of this article stipulates that nobody may be obliged by public authorities to disclose his/her views, religious beliefs or faith. Under art. 31 of *the Constitution*, the freedom of man is protected under the law and nobody may be forced to do whatever is not imposed by the law.

At the same time, under art. 51 section 1 of *the Constitution of the Republic of Poland* nobody may be obliged, otherwise than by virtue of an act, to disclose information concerning his/her person.

One of the first acts adopted as a result of the changes in the political system in 1989 was the Act of 17 May 1989 on guarantees of the freedom of conscience and faith (Journal of Laws from 2000, no. 26, item 319). These issues are also regulated by the Act of 29 August 1997 on Personal Data Protection (Journal of Laws no. 133, item 883 as amended) where the provision of art. 27 prohibits to process data disclosing racial or ethnic origin. Processing of these data is allowed only in cases stipulated in the Act.

The principle of deciding about belonging to a national minority enshrined in the treaties signed by Poland with the Federal Republic of Germany, Czech and Slovak Federal Republic, Ukraine, Republic of Belarrusia and the Republic of Lithuania.

2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

The possibility to exercise the rights and enjoy freedoms individually and in community with others is enshrined in the treaties signed by Poland with the Federal Republic of Germany, Czech and Slovak Federal Republic, Ukraine, Republic of Belarrusia and the Republic of Lithuania.

#### **Article 4**

1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*

In the Republic of Poland the guarantees of equality before the law are given the importance of constitutional principles. *The Constitution of the Republic of Poland* introduces the following regulations regarding the assurance of this principle:

Art. 2 of *the Constitution* says that the Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice. Under art. 5 of *the Constitution*, the Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development. According to art. 7 of *the Constitution*, organs of public authority shall function on the basis of, and within the limits of, the law.

Persons whose constitutional rights and freedoms have been infringed, may vindicate their rights, inter alia, before the Constitutional Tribunal. The provisions of art. 79 section 1 of *the Constitution* emphasises that everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgement on the conformity to *the Constitution* of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in *the Constitution*.

In accordance with art. 80 of *the Constitution*, everyone shall have the right to apply, on the principles specified in the Act, to the Commissioner for Citizens' Rights for assistance in protection of his freedoms or rights infringed by organs of public authority. The Institution of the Commissioner for Citizens' Rights was established in 1987. In accordance with the provision of art. 208 of *the Constitution*, the Commissioner for Citizens' Rights shall safeguard the freedoms and rights of persons and citizens specified in *the Constitution* and other normative acts (Act of 17 July 1987 on the Commissioner for Citizens' Rights, Journal of Laws from 2001, no. 14, item 147). Since the beginning of the activity of the Institution of the Commissioner for Citizens' Rights, the issues of national and ethnic minorities have been in the centre of its interests.

In accordance with the provision of art. 31 of *the Constitution*, freedom of the person shall receive legal protection. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

The provisions of art. 32 of *the Constitution* are of crucial importance to guarantee equality before the law and equal legal protection. In accordance with this article, all persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

The prohibition of discrimination is introduced by the provision of art. 11<sup>3</sup> of the Labour Code under which no direct or indirect discrimination in employment, especially on grounds of sex, age, disability, race, nationality, political or religious convictions or union membership is allowed.

The conditions set forth in art. 4 of the *Convention* comply with the draft version of the *National and Ethnic Minorities Act*.

3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

### **Article 5**

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

The provision of art. 35 of *the Constitution* is of crucial importance for the interests of national minorities. It ensures Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

Under art. 48 section 1 of *the Constitution*, parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of a child as well as his freedom of conscience and belief and also his convictions. This principle is developed in art. 53 section 3 of *the Constitution* which guarantees parents the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. Under the following section, the religion of a church or other legally recognised religious organisation may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.

These guarantees are realised, inter alia, by the solutions adopted in the Polish education system. This system enables to maintain identity of persons belonging to national minorities, expressed in the practised religion. At parents' request (or legal guardians of a child), and in the case of older youth – at the request of students themselves, teaching of confessed religion is taught at public schools or kindergartens. The legal basis for the organisation of such teaching is provided in art. 12 of the *Educational System Act* of 7 September 1991 (Journal of Laws from 1996, no. 67, item 329 as amended) as well as the executory provision to this Act – decree of the Minister of National Education dated April 14, 1992 concerning conditions and method of organising religious teaching in public kindergartens and schools (Journal of Laws no. 36, item 155 as amended).

In the case of students belonging to national minorities, learning and maintaining of cultural tradition and heritage takes place during the whole pedagogical and educational process realised in schools for national minorities (described in detail while discussing art. 14 of the *Convention*). During, among others, history or geography classes, the elements of history and culture of the country of origin of a national minority are introduced.

An important element of the pedagogical and educational process is also the educational path “regional education – cultural heritage in the region” thanks to which students may learn about the process of mutual penetration and enrichment of cultures on the territories inhabited by community with diversified national, ethnic and religious background. Realisation of this educational path is also to introduce to the pedagogical and educational process intercultural dialogue and create the attitude of openness and tolerance in the young generation (also referred to in art. 6 of the *Convention*).

The Polish government supports a number of initiatives undertaken by national minorities communities to maintain and develop the culture of national minorities in the school environment,

allocating subventions for this purpose under state tasks funding realised by entities from outside the public finance sector. While examining the applications for subsidies, the Ministry of National Education gives priority to tasks aimed at maintaining and promoting the culture of national minorities among school children.

Besides, the Polish state provides all kind of assistance, including financial assistance, creating the conditions necessary to maintain and promote own culture by persons belonging to national minorities. Registered organisations of national minorities may apply for funds, submitting appropriate applications to the Ministry of Culture.

The Republic of Poland creates the conditions for unrestricted access to the cultural values to all its citizens while persons belonging to national minorities benefit from additional financial support for the purposes connected with development and promotion of its own culture. In 2000, the funds allocated for this purpose by the minister in charge of culture and protection of national heritage amounted to PLN 5 154 000 (approximately EUR 1,340 million), and in 2001 – 6 005 000 PLN respectively (approximately EUR 1,560 million).

Specification of total amounts allocated to particular minorities from the state budget has been presented in the table below.

Explanations:

Columns:      A – national and ethnic minorities  
                    B – funds for the purchase of full circulation of textbooks for national minorities which are delivered to schools free of charge  
                    C – funds for education of national minorities provided additionally to the local self-government units, under genera subvention  
                    D – funds from the budget of the Minister of National Education for school investment projects (construction projects of new schools, boarding schools, repair works, etc.)  
                    E – funds from the budget of the Minister of National Education for other expenses (purchase of textbooks for poorest students – Romany children – school tools, providing food at schools, etc.)  
                    F – funds of the Ministry of Culture and National Heritage allocated to finance social and cultural events of national minorities and magazines issued by national minorities  
                    G – other investment expenditure e.g. from the funds of the Chancellery of the President of the Council of Ministers to provide additional financing to the construction of the House of Lithuanian Culture in Puńsk.

FINANCING OF NATIONAL MINORITIES IN 2000							
A	B	C	D	E	F	G	
	Textbooks	Educational subsidies	Educational investments	Others educational projects	Cultural publications and events	Other investments	TOTAL
Germans	190 000	10 587 636	0	0	562 300	0	11 339 936
Ukrainians	814 379	807 120	985 000	24 680	1 287 000	0	3 918 179
Lemks	0	43 434	0	15 000	207 000	0	265 434
Belarussians	683 846	1 276 686	1 648 000	44 850	1 266 600	0	4 918 982
Romany	30 000	0	0	70 160	416 000	0	516 160
Lithuanians	1 004 037	254 106	175 000	47 000	451 500	385 000	2 316 643
Tatars	0	0	0	0	120 000	0	120 000
Slovaks	380 403	99 864	0	0	395 000	0	875 267
Jews	0	0	0	35 000	360 700	0	395 700
Other	50 000	0	0	20 000	87 900	0	157 900
TOTAL	3 151 665	13 068 846	2 808 000	256 690	5 154 000	385 000	24 824 201
EUR approx.	830	3 400 000	740 000	67 000	1 400 000	100 000	6 538 000

National and ethnic minorities and Kaszub community benefit from increased educational subvention as compared with the total number of schools. In 2000, this amount totalled PLN 14 000 000 (approximately EUR 3,630 million).

It should be noted that the above data include only funds provided by the government, exclusive of funds spent by local self-government authorities. Naturally, they take into account those amounts which are awarded to national minorities additionally, without considering the funds from which persons belonging to national minorities benefit on general terms.

2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

In accordance with art. 35 of *the Constitution*, Polish citizens belonging to national or ethnic minorities shall be assured the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. Representatives of national and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity

Prohibition of actions aimed at assimilation of national minorities has been enshrined in the Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Co-operation of 26 April 1994 (1995 Journal of Laws, no. 15, item 17). Art. 15 of that Treaty contains an assurance that parties shall refrain from any actions which might lead to assimilation of members of a national minority against their will.

#### **Article 6**

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*

Art. 16 of *the Constitution* provides that political parties and other organisations whose programmes or activities sanction racial or national hatred shall be prohibited, and articles 119 and 257 of *the Penal Code* provide for sanctions for the application of violence, threatened use of violence or offence of persons as a result of their national belonging.

2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

The regulations concerning prohibition of discrimination on any grounds are contained in art. 13 of *the Constitution* and in the *Penal Code*. The Polish *Penal Code* (kk) in a number of articles provides for penalisation of actions involving discrimination on any grounds.

Penalisation of acts of violence on national, ethnic, racial, political, religious grounds or on grounds of other convictions and perspective on life is provided for in art. 118 of the *Penal Code*. § 1 of this article provides that whoever, acting with an intent to destroy, in full or in part, any national, ethnic, racial, political group or group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such group, shall be subject to the penalty of the deprivation of liberty. § 2 art. 118 of *the Penal Code* provides for penalisation of actions involving creating, for persons belonging to such a group, living conditions threatening their biological destruction, applying means aimed at preventing births within this group, or forcible removal of children from the persons constituting this group. It should be emphasised that also making arrangements to commit the offence specified in § 1 and 2 shall be subject to penalty.

While under art. 119 § 1 of *the Penal Code*, is it prohibited to use violence or make illegal threats towards a group or an individual because of their national, ethnic, political or religious affiliation or because of their lack of religious beliefs.

Crime specified in art. 256 of *the Penal Code* is also public promotion of fascist and other totalitarian system of state or inciting hatred based on national, ethnic, racial or religious differences or for reason of lack of any religious denomination. This crime is subject to a fine, penalty of restriction of liberty or penalty of deprivation of liberty for up to 2 years.

While under art. 257 of *the Penal Code*, whoever publicly insults a group within the population or individual persons because of their national, ethnic, racial or religious affiliation or because of their lack of any religious denomination or for those reasons breaches personal inviolability of another individual shall be subject to the penalty of deprivation of liberty for up to 3 years.

#### **Article 7**

*The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and faith.*

The Polish law ensures wide guarantees for all Polish citizens, including for persons belonging to national minorities as far as freedom of assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion are concerned. These guarantees are made more precise in articles 53, 54, 57 and 59 of *the Constitution of the Republic of Poland*.

Under the Act of 7 April 1989 *Law on Associations* (2001 Journal of Laws no. 79, item 855) – just like all other Polish citizens – persons belonging to national minorities have full freedom of assembly. From the entry into force of the above Act to the end of 1999, 143 associations of minorities were registered. Such associations were established by all national and ethnic minorities.

The law applicable in Poland does not contain any restrictions as far as freedom of peaceful assembly is concerned. The Act of 5 July 1990 *Law on Assemblies* (Journal of Laws no. 51, item, 297 as amended) in art. 1 establishes everyone's right to peaceful association.

It should also be noted that penalisation of actions aimed against the freedom of conscience and religion was provided for in chapter XXIV of the *Penal Code: Offences against Freedom of Conscience and Faith* (detailed review has been contained above in the commentary to art. 6).

#### **Article 8**

*The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.*

Under art. 53 of *the Constitution of the Republic of Poland* freedom of faith and religion shall be ensured to everyone. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others. Besides, under art. 56 section 6 and 7 of *the Constitution*, no one shall be compelled to participate or not participate in religious practices nor compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

Constitutional guarantees of freedom of religion and faith have been reflected in the provisions of chapter I of the Act of 17 May 1989 on the *Guarantees of the Freedom of Conscience and Faith*.

The *Penal Code* provides for penalisation of actions aimed against the area of freedom of religion. Under art. 194 of the *Penal Code*, it is a crime subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years to prevent another person from exercising the rights



vested in the latter for the reason of his affiliation to a certain faith or lack of any religious determination.

While under art. 195 § 1 of the *Penal Code* whoever maliciously interferes with public performance of a religious ceremony of a church or another religious association with a regulated legal status shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years. Under § 2 of the above mentioned article, the same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites.

Finally, article 196 of the *Penal Code* provides for penalisation of acts of offending the religious feelings of other persons by public outraging in public of religious worship or a place dedicated to the public celebration of religious rites. This offence is subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years. In accordance with the judgement of the Constitutional Tribunal of 7 June 1994 (K 17/93, OTK from 1994, part I, item 11, p. 90) *religious feelings due to their nature enjoy special legal protection since they are directly related to the freedom of conscience and faith constituting a constitutional value*.

In Poland there are at present 196 churches and religious associations (according to the data published by the Central Statistical Office from 1999). 147 churches and religious associations are entered into the Register of Churches and Other Religious associations and operate on the basis of the Act of 17 May 1989 *on Guarantees of the Freedom of Conscience and Faith* (uniform text: 2000 Journal of Laws no. 26, item 319). The form of religious regulation results from historical conditions and is not related to the number of believers. 15 Churches operate on the basis of separate acts regulating the relations of the state with particular Churches and religious associations. They include the following:

- Act of 17 May 1989 *on the Relation of the State to the Catholic Church in the Republic of Poland* (Journal of Laws no. 29, item 154 as amended),
- Concordat between the Vatican and the Republic of Poland dated 28 July 1993 (Journal of Laws from 1998, no. 51, item 318),
- decree dated 22 March 1928 *on the Relation of the State to the Eastern Old Rite Church without any Religious Hierarchy* (Journal of Laws no. 38, item 363),
- Act of 21 April 1936 on the Relation of the State to the Karaite Religious association in the Republic of Poland (Journal of Laws no. 30, item 241),
- Act of 21 April 1936 *on the Relation of the State to the Muslim Religious association in the Republic of Poland* (Journal of Laws no. 30, item 240),
- Act of 4 July 1991 *on the Relation of the State to the Polish Autocephalic Orthodox Church* (Journal of Laws no. 66, item 287 as amended),
- Act of 13 May 1994 *on the Relation of the State to the Evangelic-Augsburg Church in the Republic of Poland* (Journal of Laws no. 73, item 323 as amended),
- Act of 13 May 1994 *on the Relation of the State to the Evangelic-Reformed Church in the Republic of Poland* (Journal of Laws no. 73, item 324 as amended),
- Act of 30 June 1995 *on the Relation of the State to the Evangelic-Methodist Church in the Republic of Poland* (Journal of Laws no. 97, item 479 as amended),
- Act of 30 June 1995 *on the Relation of the State to the Baptist Church the Republic of Poland* (Journal of Laws no. 97, item 480 as amended),
- Act of 30 June 1995 *on the Relation of the State to the Church of Seventh Day Adventists the Republic of Poland* (Journal of Laws no. 97, item 481 as amended),
- Act of 30 June 1995 *on the Relation of the State to the Post-Catholic Church in the Republic of Poland* (Journal of Laws no. 97, item 480 as amended),
- Act of 20 February 1997 *on the Relation of the State to the Jewish Religious Communities in the Republic of Poland* (Journal of Laws no. 41, item 251 as amended),
- Act of 20 February 1997 *on the Relation of the State to the Mariavits Catholic Church in the Republic of Poland* (Journal of Laws no. 41, item 251 as amended),
- Act of 20 February 1997 *on the Relation of the State to the Mariavits Old Catholic Church in the Republic of Poland* (Journal of Laws no. 41, item 251 as amended),
- Act of 20 February 1997 *on the Relation of the State to the Church of the Holy Spirit in the Republic of Poland* (Journal of Laws no. 41, item 251 as amended).

One of the most difficult problems in the relations between the state and the church is connected with the issue of returning to churches and religious associations the real estates nationalised after 1945.

The process of restitution of these real estates based on statutory regulations is under way. There are 5 commissions in charge of church property revindication.

3050 applications were filed to the Revindication Commission of the Catholic Church, of which 2635 proceedings have ended up to now (1250 proceedings ended with a composition agreement on returning of property, 878 judgements on returning of property were issued, 491 proceedings ended with dismissal, rejection or discontinuance, in 16 proceedings no position was agreed).

1 200 applications were filed to the Regulatory Commission of the Evangelic-Augsburg Church submitted by legal persons to institute regulatory proceedings. Up to now, 536 proceedings have ended (276 ended with dismissal or rejection of regulatory application or with discontinuance of the proceedings).

120 applications were filed to the Regulatory Commission of the Polish Autocephalic Orthodox Church. Regulatory proceedings were instituted in 53 cases (1 judgement on dismissal of the proceedings was issued and 4 judgements on transferring the property to religious legal persons and 8 composition agreements was concluded).

659 applications were filed to the Regulatory Commission in charge of Jewish Religious Communities; 615 proceedings were instituted of which 165 have ended up to now (55 proceedings ended with a decision on returning or transferring of property, 91 ended with a composition agreement, 4 proceedings ended with a decision on awarding of compensation, 20 proceedings ended with dismissal, rejection or discontinuance, 2 proceedings ended without any resolution).

The total of 133 applications were filed to the Interchurch Regulatory Commission to institute regulatory proceedings. Proceedings were instituted in 30 cases; in the remaining cases, documentation is still being gathered. The submitted applications relate to:

- the Seventh Day Adventists Church – 12 applications,
- the Baptist Church – 59 applications,
- the Evangelic-Methodist Church – 30 applications,
- the New Apostolic Church – 22 applications,
- the Anglican Church – 2 applications,
- the Biblical Society – 2 applications,
- the Muslim Religious association – 3 applications,
- the Evangelic Christian Church – 1 application,
- the Church of the Holy Spirit – 2 applications.

All the data concerning the activity of particular commissions date back to August 2001.

On the basis of legal regulations, members of Churches and religious religious associations are ensured the possibility of obtaining days off from work or study during religious holidays (art. 42 of the Act on Guarantees of the Freedom of Conscience and Faith and the decree of the Minister of Labour and Social Policy and the Minister of National Education of 11 March 1999 *on days off from work or study for persons belonging to churches and other religious religious associations in order to celebrate religious holidays which are not statutory holidays* (Journal of Laws no. 26, item 235)).

In the Polish Army there are military ecclesiastical authorities of the Catholic and Greek Orthodox Church and Evangelical Military Priesthood.

The Polish Army provides financial support to Churches and other religious associations under the Church Fund which under § 1 of the statute may provide assistance for the following purposes:

- funding of social security and health insurance contributions of members of religious orders,
- supporting charitable, educational and pedagogical activity of churches,
- reconstruction, repair and conservation of religious monuments (entered into the list of historical monuments).

In 2001, the state budget allocated the amount of PLN 132,280 thousand (approximately EUR 34 million) to the Church Fund. Subsidies from this Fund are allocated to religious legal persons and may not be used for strictly religious activity.

## Article 9

1. *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

The freedom to express opinions and receive and impart information as the basic democratic value is guaranteed in art. 54 section 1 of *the Constitution* concerning the freedom of expression and press.

The first important step in the creation of the legal framework for ensuring access to the electronic media was the adoption of the Act of 29 December 1992 *on Radio and Television Broadcasting* (1993 Journal of Laws no. 7, item 34 as amended). Article 21 section 9 of the Act contains the following provision on the duties of a public broadcaster: *programmes of public radio and television should (...) take account of the needs of national minorities and ethnic groups*. The National Council of Radio and Television Broadcasting (KRRiT) plays an important role in conducting and co-ordinating actions of the public television to benefit minorities.

### **The role of the National Council of Radio and Television Broadcasting**

Under art. 213 section 1 of *the Constitution of the Republic of Poland*, the National Council of Radio and Television Broadcasting shall safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding Radio and Television Broadcasting. Detailed powers of the National Council of Radio and Television Broadcasting as the authority competent in the field of Radio and Television Broadcasting have been specified in the Radio and Television Broadcasting Act. The actions of the National Council of Radio and Television Broadcasting to benefit minorities involve:

- Taking into consideration, while distributing proceeds from television subscription fees, funds for particular centres of the Polish radio in connection with their realisation of programmes addressed to minorities,
- Handling complaints of representatives of minorities organisations,
- Initiating meetings and conferences devoted to problems and presence of minorities in the media.

The freedom to receive and impart information in the language of national minorities results from the provision of art. 54 of *the Constitution* concerning the freedom of expression and the freedom of the press. It should also be noted that the right to disseminate and exchange information in native language has been enshrined in the treaties signed by Poland with the Federal Republic of Germany, Czech and Slovak Republic, Ukraine, Republic of Belarrusia and the Republic of Lithuania.

2. *Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*

Under the provision of art. 2 of the Act of 29 December 1992 *on Radio and Television Broadcasting*, dissemination of radio and television programmes, with the exception of the public media, shall be subject to obtaining licenses. The authority competent for licenses is the President of the National Council of Radio and Television Broadcasting who takes decisions on the basis of resolutions adopted by the National Council.

Amendment of the Act on Radio and Television Broadcasting – Act of 1 February 2001 *on Amending the Act on Radio and Television Broadcasting* (Journal of Laws no. 42, item 469) – introduced a change important from the point of view of national minorities by including the category of “social broadcaster”. An application for being recognised as a social broadcaster may be submitted to the National Council of Radio and Television Broadcasting, inter alia, by an association within the

framework of realisation of its statutory goals or a religious legal person. The social broadcaster is exempted from fees for granting or changing licenses.

3. *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*

According to the principle adopted by the minister in charge of culture and national heritage protection, each national minority is guaranteed the right to issue one own magazine (at its discretion, in its native language, Polish or foreign language). Publishing costs shall be then covered in full or almost in full from the state budget.

Some minorities publish more than one magazine (detailed list of press titles published by particular national and ethnic minorities in Poland has been presented in part I in chapter V). It should be noted that the number of published magazines of national and ethnic minorities in Poland increased considerably in the 90-ties. Titles of magazines have been listed in part I point 5 of the Report devoted to characteristics of national and ethnic minorities in Poland.

Almost all magazines of national and ethnic minorities are subsidised from the state budget by the minister in charge of culture and national heritage protection. In 2001, there were 37 such publications. The total amount in the state budget allocated to their publication in 2001 totalled PLN 2, 678,800 (approximately EUR 0.7 million).

4. *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Programmes devoted to and addressed to national and ethnic minorities are present in the public television and radio on a permanent basis.

#### Public television

Since 1989, the offer of the Polish television has included many programmes devoted to the culture, tradition and history of national and ethnic minorities living in Poland. Cyclic and occasional television programmes and reports have been transmitted both by the central public broadcasting station and by regional broadcasting stations. At present, it is mainly the Regional Television channel – TV3 that realises the ideas of the public broadcaster. It comprises 12 local stations, ten of which broadcast various cyclic and single time programmes devoted to national and ethnic minorities.

**Programmes addressed to national and ethnic minorities**  
**January – December 2000**

LOCAL STATION	HOURLY SHARE
Białystok	73.4
Bydgoszcz	0.0
Gdańsk	71.2
Katowice	18.0
Cracow	1.1
Lublin	23.9
Łódź	0.0
Poznań	0.6
Rzeszów	15.2
Szczecin	1.0
Warsaw	6.4
Wrocław	0.0
TOTAL	210.8
COMMON BAND FREQUENCY SPECTRUM	22.5

Some cyclic programmes are broadcast (or repeated) not only in the regional band frequency but also in the separated frequency band from Programme 2 transmitters which increases their coverage. A 40-minutes programme *About ourselves* devoted to important problems and events of the minorities inhabiting the Podlasie region, which is currently being created in Białystok, may be an example. This programme consists of separate parts addressed to particular minorities: Belarussian minority (15 minutes), Ukrainian minority (10 minutes), Lithuanian minority (15 minutes every 2 weeks) and Russian, Romany and Tatar minorities (7.5 minutes once a month). This programme is edited by three full-time employees and 2 persons co-operating on a regular basis. This station broadcasts once a month a programme entitled *Neighbours* realised jointly by TV Grodno and TV Białystok presenting current problems of Belarussian society and the Belarussian minority living in Poland.

Similar in format to the programme *About ourselves* is a programme *Rodna zemia – Kaszub magazine*, created by the **Local Broadcasting Station in Gdańsk** in Kaszub and Polish languages. This station also broadcasts twice a month a programme *The inhabited world – Ecumenical Magazine* presenting diversity of religious and their traditions (Greek Orthodox Religion, Protestantism).

**The Television Broadcasting Station in Opole** broadcasts ever 2 weeks *Schlesien Journal* a 10-15 minutes programme addressed to the German minority. This programme is edited by an independent team from the editorial and technical point of view. *Schlesische Wochenschau*, a programme prepared by the Polish Television (TVP) staff is broadcast every 2 weeks.

**The Television Broadcasting Station in Cracow** broadcasts once a week a programme *At home* which presents the problems of national minorities and ethnic groups and various phenomena related to the life of communities inhabiting the Małopolska region (Slovaks, Gypsies, Ukrainians, Lemks, Jews and Armenians).

**The Local Broadcasting Station of TVP in Lublin** broadcasts such serials as *Telenowyny* (in Ukrainian language), *Heritage* and *Gypsy Camp*.

**The Local Broadcasting Station in Rzeszów** broadcasts the magazine of the Wyszehrad Four region *Quartet* which raises, inter alia, the problems of minorities in the Group countries.

**The Local Broadcasting Station in Szczecin** edits, in co-operation with *Deutsche Welle* a serial *Between the Oder and the Rhine* which raises, inter alia, the problems of the German minority living on the territory of the West Pomeranian Voivodship.

**The Television Broadcasting Station in Warsaw**, in co-operation with the Association of the Ukrainians in Poland has been broadcasting since 1995 a programme *Telenowyny* in the Ukrainian language (with Polish subtitles). This 15-minutes programme, edited by five journalists coming from the Ukrainian minority who are members of TVP staff, is broadcast every two weeks.

**The Local Broadcasting Station of TVP in Pozań** broadcasts cyclical programmes devoted to national and ethnic minorities, covering the events of the International Folk Festival in Zielona Góra,

the Festival of Gypsy culture *Romanae Dyvese* and the Days of the Jewish Culture. The Poznań Broadcasting Station edits also a programme *Source* – raising the issues of cultural separateness and ecumenism as well as *Lubusk Diversities* – programme devoted to the situation of the inhabitants of border regions.

Radio programmes addressed to national and ethnic minorities are edited in their native languages:

### Public radio

REGIONAL RADIO BROADCASTING STATIONS	ANNUAL HOURLY SHARE
Radio Koszalin S.A.	47
Radio Wrocław S.A.	10
Radio Zachód S.A. (Zielona Góra)	0
Radio Rzeszów S.A.	39
Radio Białystok S.A.	346.5
Radio Katowice S.A.	47.5
Radio Szczecin S.A.	30
Radio Opole S.A.	138.5
Radio Olsztyn S.A.	198
Radio Kraków S.A.	52

**Radio Koszalin** broadcasts every 2 weeks two 30-minutes magazines: *Kaszub Magazine* (in the Kaszub language) and *Ukrainian Magazine* (in the Ukrainian language). Both magazines contain news services, commentaries, cultural event reports, religious music and folk music and interviews with folk artists. The Ukrainian Magazine is edited by a journalist coming from the Ukrainian minority.

**Radio Wrocław** has been broadcasting programmes addressed to national minorities since June 2001, however in the Polish language only. These programmes are not broadcast on a regular basis.

**Radio Rzeszów** broadcasts weekly two programmes addressed to the Ukrainian minority inhabiting this region of Poland. These are: *Magazine in Ukrainian language* edited by three journalists belonging to the Ukrainian minority (one is a full-time employee) and *From the Carpathian Mountains* in the Polish language.

Radio programmes broadcast by **Radio Białystok** which are addressed to national minorities include: *Ukraińska dumka* broadcast 3 times a week in the Ukrainian language, programmes in the Belarussian language: *Pod znakami Pahoni* broadcast daily and *Pažadalnaja pieśńia*, broadcast weekly, programme in the Lithuanian language broadcast 3 times a week: *Lithuanian Radio Magazine* and radio programmes addressed to members of the Greek Orthodox Church: *Duchownyja sustreczy* and *Pierad wychadam u carkwu*. These programmes are edited by a team of 10 journalists coming from national minorities.

We should also mention “**Racja**” **Radio** which addresses its programmes primarily to the citizens of the Republic of Belarussia but which is also listened to by the Belarussian minority in Poland.

**Radio Katowice** has been broadcasting weekly for 10 years now a bilingual programme edited by the German minority – *Versohnung and Zukunft* or Reconciliation and Future.

**Radio Szczecin** broadcasts monthly three programmes in the Polish language addressed to national minorities. They include: *Radio Pomerania* and *Close-Ups, Confrontations* addressed to the German minority and *Contacts* and *Close-Ups* addressed to the Ukrainian minority.

**Radio Opole** broadcasts several times a week regular programmes addressed primarily to the German minority: 15 minutes *Silesian News* in German language broadcast 3 times a week, programme edited by the editors of the German minority, *Our Heimat* – programme broadcast in the Polish and German language edited by the radio staff.

**Radio Olsztyn** since 1958 has been broadcasting a 30 minutes programme in the Ukrainian language. Since January 2000, this programme has been broadcast daily. Besides, since April 2001, this station has been broadcasting a 25 minutes weekly programme in the German language. Programmes in Ukrainian language are edited by 4 journalists and programmes in the German language by 3

journalists; most of them are persons co-operating with the radio editors, only 1 person is a full-time employee.

**Radio Kraków** broadcasts a weekly series devoted to the issues of national minorities – **Eastwards from the West**.

Besides, programmes devoted to the issues of national minorities, edited on the occasion of major holidays and cultural events are broadcast in commercial radio and television channels.

### **Article 10**

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*

Under art. 27 of *the Constitution*, Polish shall be the official language in the Republic of Poland. However, this provision shall not infringe upon national minority rights resulting from ratified international agreements. Moreover, article 35 of *the Constitution* ensures Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language.

The principles enshrined in *the Constitution* are further developed in the Act of 7 October 1999 *on the Polish Language* (Journal of Laws no. 90, item 999 as amended) whose art. 2 point 2 provides that the provisions of the Act shall not infringe upon the rights of national minorities and ethnic groups.

Positive references to the use of minority languages, in private and in public, may be found in treaties concluded by the Republic of Poland with the Federal Republic of Germany, Czech and Slovak Republic, Republic of Belarussia and Republic of Lithuania.

2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*

References to the principle concerning the use of languages of national minorities in public administration offices may be found in treaties concluded by the Republic of Poland with the Federal Republic of Germany, Czech and Slovak Republic, Republic of Belarussia and Republic of Lithuania.

3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Article 5 of the Act of 27 July 2001 *Law on constitution of common courts* (Journal of Laws no. 98, item 1070) gives to persons without an adequate command of the Polish language the right to appear before a court of law using a language he or she knows and to use free assistance of an interpreter.

Likewise, the provisions of the Act of 6 June 1997 *the Code of Criminal Procedure* (kpk) (1997 Journal of Laws no. 89, item 555 as amended) give the accused and other persons participating in the proceedings without a command of the Polish language the right to use the assistance of an interpreter. Therefore, in accordance with art. 204 of *the Code of Criminal Procedure*, an interpreter shall be summoned whenever it is necessary to examine a person without a command of the Polish language. An interpreter shall also be summoned whenever it is necessary to translate into Polish a document written in a foreign language, or to translate a Polish document into a foreign language or make the accused familiar with the contents of the evidence.

In accordance with art. 72 of *the Code of Criminal Procedure*, when the accused does not have a command of the Polish language, the order on the presentation, supplementation or changing of charges, the indictment or a decision subject to appeal, or a decision concluding the proceedings shall

be delivered to the accused together with a translation. Under art. 407 of *the Code of Criminal Procedure*, the accused not having a command of the Polish language should have at least the summaries of the arguments translated to him before he is allowed to present his closing argument. Also *the Code of Civil Procedure* (kpc) specifies the circumstances in which the court appoints an interpreter. In accordance with art. 265 par. 1 of *the Code of Civil Procedure*, it may apply to the hearing of a witness not possessing an adequate command of the Polish language, and in accordance with art. 256 of *the Code of Civil Procedure*, a situation when it is necessary to translate a document written in a foreign language.

### **Article 11**

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*

Polish citizens belonging to national minorities may change their name and surname into a version consistent with the wording and spelling of their mother tongue under administrative procedure on the basis of the Act of 15 November 1956 on the Change of Names and Surnames (1963 Journal of Laws no. 59, item 328 as amended), and on the basis of art. 23 of the Civil Code (1964 Journal of Laws no. 16, item 93 as amended). Spelling of names and surnames may be changed free of charge in *starostwo* (local administrative district). In the years 1990-2000, spelling of names and surnames was adjusted to the rules of Belarussian spelling - by 3 persons, of Czech spelling - by 3 persons, of Lithuanian spelling - by 30 persons, of German spelling - by 3382 persons, of Russian spelling - by 9 persons, of Slovak spelling - by 1 person and of Ukrainian spelling - by 7 persons. The right to use names and surnames in the wording of a national minority language is also guaranteed in the treaties on friendship and neighbourliness signed with the Federal Republic of Germany, Ukraine, Republic of Belarussia and Republic of Lithuania.

2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*

The Polish law does not regulate the issue of the language of inscriptions of private nature. The decree of the President of Poland of 24 October 1934 on *Determination of Names of Towns or Cities and Physiographic Objects and Numbering of Real Estates* (Journal of Laws no. 94, item 850 as amended) specifies the principles of determining official names of towns or cities and physiographic objects. It does not however apply to the language of inscriptions displayed in public places in case they are of private character. It means that the use of minority language in this type of inscriptions is allowed. This principle is used also in practice - e.g. signs of magazines, restaurants, information boards with information on the organisation's seat or editorial department of magazines of national minorities are displayed in minority languages.

3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Polish legislation does not provide for the possibility to display in national minority languages traditional local names, street names or other topographical indications intended for the public. However, such a possibility has been provided for in the bill of *the Act on National and Ethnic*



*Minorities in the Republic of Poland*, currently elaborated by the Sejm of the Republic of Poland (the bill has been discussed in chapter I part III).

## **Article 12**

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*

All Polish universities have faculties of German philology, Russian philology and Slavic philology which have always enjoyed great popularity and interest. Besides, these languages are taught in the form of optional lectures to students of other university departments. Adam Mickiewicz University in Poznań has Lithuanian Language Faculty and since 1990 there has been Baltic Philology Faculty at Warsaw University. Czech philology is lectured at the Jagiellonian University and at Wrocław University. For 40 years there have been Ukrainian, Slovak and Belarussian philology faculties at Warsaw University; after 1990 Ukrainian philology faculties were established at the Jagiellonian University and at Marie Skłodowska- Curie University in Lublin. Recently, a Belarussian philology faculty has been established in Białystok and at Marie Skłodowska – Curie University a study of the Belarussian Literature and Language has started to operate. Since the beginning of the academic year 2001/2002 a Russian and Lemk division has been operating at the Russian Philology Faculty at Cracow Pedagogical Academy.

In Poland there are also scientific units dealing with research into the history and the present of national minorities. They include: Centre for the Study of Nationalities at the Polish Academy of Science [PAN] in Poznań, Western Institute – Z. Wojciechowski Scientific and Research Institute in Poznań, Faculty of Ethnology at Wrocław University, Centre for the Study of Nationalities of Wrocław University, Centre for the Ethnical Studies of Maria Curie-Skłodowska University in Lublin, Faculty of Belarussian Culture of Białystok University, Institute of Ethnology of the Jagiellonian University. Practically all Institutes of Sociology carry out research into the problems of nationalities.

2. *In this context the Parties shall, inter alia, provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*

Teachers of minority languages are taught at universities listed in point 1. Besides, there are additional training courses organised for teachers. Publication and printing of textbooks and elaboration of school curricula for classes and schools of national minorities are fully financed from the state budget funds. The Ministry of National Education and Sport purchases the full edition of textbooks and distributes them, free of charge, to students belonging to national minorities.

Further instruction of teachers of minority languages is organised based on the structures of voivodship teacher education institutions, and educational counsellors often act on the basis of agreements of local self-government authorities.

The issues related to the provision of teachers' instruction and access to textbooks have been reflected in international agreements. Co-operation in the field of schooling and education is guaranteed in international agreements. In those agreements, the parties undertake to ensure on their territories adequate conditions for teaching of minority language and receiving education in this language and for teaching of native history and culture of minorities in public education institutions.

Legal framework of co-operation between Poland and the Federal Republic of German in the field of schooling and education is provided by:

- *Treaty between the Republic of Poland and the Federal Republic of Germany on Neighbourliness and Friendly Co-operation of 17 June 1991,*

- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Polish and German Youth Co-operation*, signed on 17 June 1991,
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the Establishment and Operation of the Representative Office of the German Academic Exchange Service (DAAD)*, signed on 14 July 1997.

Co-operation between Poland and the Czech Republic in the field of education is governed by:

- *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Neighbourliness, Solidarity and Friendly Co-operation* of 6 November 1991,
- *Memorandum of understanding on co-operation in the field of education between the Ministry of National Education of the Republic of Poland and the Ministry of Education, Youth and Physical Education of the Czech Republic for the years 2002-2003*, signed on 14 June 2000.

Co-operation between Poland and the Slovak Republic in the field of education is based on:

- *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Neighbourliness, Solidarity and Friendly Co-operation* of 6 November 1991.

Co-operation in the field of education between Poland and Ukraine is based on:

- *Treaty between the Republic of Poland and Ukraine on Neighbourliness, Friendly Relations and Co-operation* of 18 May 1992,
- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Co-operation in the Field of Culture, Science and Education* of 20 May 1997,
- *Memorandum of Understanding between the Ministry of National Education of the Republic of Poland and the Ministry of Schooling and Education of Ukraine*, signed on 2 July 2001.

Co-operation in the field of education with the Republic of Belarussia is pursued on the basis of:

- *Treaty between the Republic of Poland and the Republic of Belarussia on Neighbourliness and Friendly Co-operation* of 23 June 1992,
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarussia on co-operation in the field of culture, schooling and education* of 27 November 1995,
- *Memorandum of Understanding between the Ministry of National Education of the Republic of Poland and the Ministry of National Education of the Republic of Belarussia for the years 1997-1999 (together with the Labour Plan)*, signed on 18 March 1997. With both parties' agreement, the Memorandum of Understanding together with the Labour Plan were extended for subsequent 2 years, i.e. by the end of 2001.

Co-operation in the field of schooling and education between Poland and the Republic of Lithuania is governed by:

- *Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Co-operation* of 26 April 1994,
- *Memorandum of Understanding between the Ministry of National Education and the Ministry of Culture and Education of the Republic of Lithuania in the field of schooling and higher education* of 21 February 1992,
- *Programme of co-operation between the Ministry of National Education of the Republic of Poland and the Ministry of Education and Science of the Republic of Lithuania for the years 1998-2001*, signed on 16 November 1998.

Framework of co-operation between Poland and the Russian Federation is specified in:

- *Treaty between the Republic of Poland and the Russian Federation on Friendly and Neighbourly Co-operation* of 22 May 1992,
- *Memorandum of Understanding on Co-operation of the Ministry of National Education of the Republic of Poland and the Ministry of Education of the Russian Federation for the years 1994-1999*, signed on 24 February 1994.

3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Under art. 70 section 1 of *the Constitution of the Republic of Poland*, everyone shall have the right to education. Education to 18 years of age shall be compulsory. Public authorities shall ensure universal and equal access to education for citizens.

### **Article 13**

1. *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*

Under art. 70 section 3 of *the Constitution*, parents shall have the right to choose schools other than public for their children. Citizens and institutions shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. This issue has been also discussed in art. 5 section 2 of *the Education System Act* of 7 September 1991 (1996 Journal of Laws No. 76, item 329 as amended). This law applies also to legal and natural persons representing national minority communities in Poland. These legal entities may, under § 13 of the decree of the Minister of National Education of 21 September 2000 *concerning types, principles of establishment, transformation and liquidation and principles of operation of additional training institutions for teachers* (Journal of Laws no. 85, item 956 as amended) may establish and run non-public additional training institutions for teachers, in particular through organising training courses for teachers of minority languages. Up to now, no national minority in Poland has used this possibility. Schools organising minority language teaching or instruction in a minority language are mainly public schools managed by local self-government authorities. Up to now, only representatives of the Jewish minority have created “Lauder-Morasha” private education institutions in Warsaw and in Wrocław – established by Roland S. Lauder Foundation.

2. *The exercise of this right shall not entail any financial obligation for the Parties.*

Although *the Convention* does not specify any such obligations, in the Republic of Poland some costs connected with the maintenance of non-public schools are borne by the state.

### **Article 14**

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*

The Polish education system fully guarantees the right to learn a minority language and ensures the conditions for organising both minority language teaching as well as instruction in a minority language.

Schooling system addressed to national minorities has a long and rich tradition in Poland, dating back to the period before World War II. In the period of political system transformations the state’s recognition of the right of persons belonging to national minority to being taught in their native language was provided for in art. 13 of *the Education System Act*.

The Polish education system offers students belonging to national minorities the possibility of maintaining their national, ethnic, linguistic and religious identity, in particular, the possibility of learning their native language, history and culture. The conditions and methods of performance of these tasks have been specified in the decree of the Minister of National Education of 24 March 1992 on Organisation of Instruction Enabling to Maintain National, Ethnic and Linguistic Identity of Students Belonging to National Minorities (Journal of Laws no. 34, item 150).

Minority language teaching or instruction in a minority language may be provided at all education levels (in pre-schools, primary schools, middle schools and high schools). It is organised by the

principal of a pre-school or public school on a voluntary basis, at the request of pupil's parents or legal guardians (in the case of older students – at the request of the student's himself). Also a minimum number of students has been determined which gives the basis for teaching a native language other than the Polish language in such a way so as to enable organisation of teaching in small communities or in the conditions of dispersion of certain minorities (it applies mainly to the Ukrainian national minority and the Lemk ethnic minority). To create a class where a native language is taught it is enough to gather 7 pupils at primary education level – primary and middle schools and 15 students at secondary education level.

Under the above decree, it is possible to organise minority language teaching in the following forms:

- instruction in a minority language in schools where this language is a language of instruction,
- bilingual education in two languages of equal status: in the Polish language and in a national minority language,
- minority language teaching as an additional subject,
- minority language teaching in interschool groups (in case there are not enough students in a particular school willing to learn the language).

The organisational form of minority language teaching is chosen by the parents and in the case of older students – by the students themselves. The Belarussian and Lemk minorities and the Kaszub community have chosen the model of minority language teaching as an additional subject. Other minorities (Lithuanian, German, Slovak and Ukrainian minority) have chosen various organisational forms of language teaching depending on their local conditions (staffing, lodging possibilities, number of interested students). For example, in most classes or schools where Lithuanian children are taught, the Lithuanian language is the language of instruction.

Minority language instruction is financed from the state budget funds. Under the decree of the Minister of National Education and Sport of 27 December 2001 *on the Allocation of the Educational Part of General Subsidies by Local Self-Government Authorities* (Journal of Laws no. 156, item 1822), authorities running schools for national minorities (local self-government authorities) receive from the state budget subsidies for educational purposes increased by 20% per one national minority student/ pupil in bigger schools and by 50% in smaller schools where the main teaching language is the language of a national minority or ethnic group and where the number of students/ pupils in the school does not exceed 42.

Works are going on to make it possible for pupils/ students to pass primary and middle school leaving examinations in native languages.

2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

In major national minority communities a school network with minority language instruction has been created. It comprises now 620 institutions (including pre-schools, primary schools, middle schools, secondary schools and interschool groups) and covered in the school year 2000/2001 – 41 905 students.

We have presented below the figures concerning educational institutions and students belonging to particular minorities, with the indication of voivodships where a minority language is taught or instruction in a minority language is provided:

- German minority – Opolskie Voivodship, Silesian Voivodship and Cuiavian and Pomeranian Voivodship (total of 345 educational institutions, total of 31 365 students),
- Belarussian minority – Podlaskie Voivodship (total of 40 educational institutions, total of 3 763 students),
- Kaszub minority – Pomeranian Voivodship and Cuiavian and Pomeranian Voivodship (total of 44 educational institutions, total of 2 761 students),
- Ukrainian minority – Lower Silesian Voivodship, Lubuskie Voivodship, Małopolskie Voivodship, Subcarpathian Voivodship, Podlaskie Voivodship, Pomeranian Voivodship, Warmia

and Mazury Voivodship, West Pomeranian Voivodship (total of 136 educational institutions, total of 2 689 students),

- Lithuanian minority – Podlaskie Voivodship (total of 23 educational institutions, total of 809 students),

- Slovak minority – Małopolskie Voivodship (total of 15 educational institutions, total of 311 students),

- Lemk minority – Lower Silesian Voivodship, Małopolskie Voivodship, Subcarpathian Voivodship (total of 15 educational institutions, total of 313 students),

- Jewish minority – Wrocław, Warsaw (2 educational institutions, 44 students).

Majority of students of Romany origin attend public schools in an integrated system with Polish students. There are also the so-called Romany classes (approximately 20) created thanks to strong commitment of teachers in communities where it is necessary to provide additional assistance to Romany students commencing their education to overcome educational difficulties and barriers caused by a poor command of the Polish language and lack of pre-school preparation. However, due to protests voiced by certain Romany communities this model is being abandoned. A particular example is the Parish Primary School of the Romany Community in Suwałki – the only non-public school to organise free of charge instruction of the Romany children at a high level.

Approximately 30% of the Romany children do not fulfil the compulsory schooling obligation. In order to improve the situation of the Romany community in the school year 2000/2001 under *the Pilot Governmental Programme aimed to benefit the Romany community in the Małopolskie Voivodship for the years 2001-2003*, a system of supporting Romany children attending integrated schools has been introduced. It consists, among others, in employing supporting teachers or Romany assistants. We may already see the first results of these actions. Since the employment of Romany assistants, the attendance of the Romany children has improved.



**Number of institutions according to the type of school – school year 2000/2001**

Minority	Belarussian minority	Kaszub minority	Lithuanian minority	German minority	Slovak minority	Ukrainian minority	Lemk minority	Total
Primary schools with native language of instruction	0	0	5	6	0	4	0	15
Bilingual primary schools	0	0	2	2	1	0	0	5
Primary schools with additional courses of native language	27	33	6	261	8	69	9	413
Middle schools with native language of instruction	0	0	0	1	0	7	0	8
Bilingual middle schools	0	0	2	1	0	0	0	3
Middle schools with additional courses of native language	10	5	0	51	3	27	5	101
Secondary schools with native language of instruction	0	0	1	1	0	4	0	6
Bilingual secondary schools	0	0	0	1	0	0	0	1
Secondary schools with additional courses of native language	2	1	0	0	1	0	0	4
Vocational schools with native language of instruction	0	0	1	0	0	0	0	1
Bilingual vocational schools	0	1	0	0	0	1	0	2
Interschool team	0	0	0	0	0	1	0	1
Total	39	40	17	324	13	113	14	560





**Number of students according to the type of school – school year 2000/2001**

Minority	Belarussian minority	Kaszub minority	Lithuanian minority	German minority	Slovak minority	Ukrainian minority	Lemk minority	Total
Primary schools with native language of instruction	0	0	88	588	0	252	0	928
Bilingual primary schools	0	0	237	673	38	0	0	948
Primary schools with additional courses of native language	1988	2070	121	23379	161	1161	98	28978
Middle schools with native language of instruction	0	0	0	52	0	180	0	232
Bilingual middle schools	0	0	131	186	0	0	0	299
Middle schools with additional courses of native language	6223	266	0	5928	46	234	29	7135
Secondary schools with native language of instruction	0	0	124	54	0	522	0	700
Bilingual secondary schools	0	0	0	116	0	0	0	116
Secondary schools with additional courses of native language	1113	338	0	0	47	0	0	1498
Vocational schools with native language of instruction	0	0	42	0	0	0	0	42
Bilingual vocational schools	0	55	0	0	0	11	0	66
Total	3733	2729	743	30958	292	2360	127	40942

## Article 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

It should be emphasised that the Polish legislation guarantees the conditions necessary to ensure participation of the citizens of the Republic of Poland in public, cultural, social and economic life. Thus, *the Constitution* in article 11 ensures freedom for the creation and functioning of political parties and article 12 ensures freedom for the creation and functioning of trade unions, social and occupational organisations of farmers, societies, citizens' movements, other voluntary associations and foundations. The Act of 27 June 1997 on Political Parties (Journal of Laws no. 98, item 064 as amended) in article 2 ensures the right to be member of a political party to persons who are citizens of the Republic of Poland and who have attained 18 years of age.

Changes in the political system introduced after 1989 contributed to delegating certain powers to local self-government authorities. All Polish citizens, including persons belonging to national minorities as members of self-government communities (which are created by virtue of the law by all inhabitants of a particular municipality, county or voivodship)<sup>2</sup>, may participate in taking decisions important for those communities directly (through participation in elections and referendums) or through intermediary of municipal, county or voivodship authorities. They may also sit in local self-government authorities.

In the elections to the self-government authorities in 1990, 1994 and 1998 the German, Belarussian and Ukrainian minorities submitted their own constituency lists. Such committees were established on the territory of Opolszczyzna region, Podlasie region and in Katowice. Some persons belonging to the Belarussian, Lithuanian, German, Slovak and Ukrainian minority stood in the election from the lists of particular parties, local electoral coalitions or as independent candidates.

After the 1994 election, representatives of the German minority gained majority of mandates in six municipalities in Opolszczyzna region while the Lithuanian minority gained 15 out of 18 mandates in the county of Puńsk located in the Podlaskie Voivodship. The situation was similar in the southern part of Podlasie region where representatives of the Belarussian minority played an important role in the activity of local self-government authorities.

In the 1998 election to the self-government authorities, apart from Belarussians and Germans mandates were given to representatives of the Lithuanian minority, Slovak minority and Ukrainian minority. In Opolszczyzna region, the number of municipalities with majority of deputies belonging to the German minority increased up to 29, and in deputies of the Lithuanian minority maintained their majority in the council of the municipality of Puńsk.

In 1998 also deputies to county councils were elected. The German minority obtained majority in the three counties of the Opolskie Voivodship while in the Podlaskie Voivodship a representative of the Lithuanian minority was elected deputy chief of the Sejny district.

In the election to the Sejmik of the Opolskie Voivodship, the German minority obtained considerable support thanks to which its representatives form now a co-ruling group in the voivodship self-government authorities while a Board member of the Main Association of the Ukrainians in Poland is the chairman in the Sejmik of the Warmia and Mazury Voivodship.

The Act of 12 April 2001 *Electoral Ordinance to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland* (Journal of Laws no. 46, item 499 as amended) ensures preferential treatment to representatives of national minorities. In accordance with the general principle adopted in the Electoral Ordinance while distributing mandates only district lists of candidates of those electoral committees which have gained at least 5% of validly casts votes on a national scale are taken into account. Only committees established by constituents associates in registered organisations of national

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<sup>2</sup> Act of 8 March 1990 on Municipal Self-Government (1996 Journal of Laws no. 13, item 74 as amended), Act of 5 June 1998 on County Self-Government (Journal of Laws no. 91, item 578 as amended), Act of 5 June 1998 on Voivodship Self-Government (Journal of Laws no. 91, item 576 as amended).

minorities (art. 134 of the *Electoral Ordinance*). Similar solutions were provided for in the earlier electoral ordinances passed after 1989.

Candidates of electoral committees of national minorities obtained the biggest number of votes in the 1991 election. At that time, these committees presented their lists in 20 constituencies and their candidates obtained in those constituencies 2.91% of votes. Stabilisation of the political arena and its division among big political parties led to the gradual reduction of the number of votes cast in favour of lists of electoral committees of national minorities. The German minority had their permanent representation in the Parliament: in 1991 it obtained 7 mandates in the Sejm and 1 mandate in the Senate, in 1993 – 4 mandates in the Sejm and 1 mandate in the Senate and in 1997 and 2001 – 2 mandates in the Sejm.

Representatives of other national minorities who sat in the Sejm were candidates from the lists of political parties. In 1993 and 1997 a candidate of Unia Wolności representing the Ukrainian community was elected to the Sejm and in 1997 representatives of the Ukrainian minority were elected from the SLD [Democratic Left Alliance] list. In the election held on 23 September 2001, apart from representatives of the German minority (candidates from the list of the German minority) two representatives of the Belarussian minority were elected to the Sejm and one representative was elected to the Senate (all three were candidates from the SLD – Unia Pracy [Labour Union] list).

It should be emphasised that the Republic of Poland, following the principle of equality of rights of all citizens, does not limit the right of persons belonging to national minorities to fulfil public functions, including the right to service in the Police forces or in the Army, to be promoted at workplace, to receive awards granted to public servants in recognition of their professional qualifications and personal qualities.

Besides, representatives of national minorities participate, without limitations, in cultural events organised by their own associations and participate in other cultural events. Since 1989 the number events showing and promoting cultural heritage of national minorities living in Poland have been increasing.

#### **Article 16**

*The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.*

In the process of shaping Poland's new administrative division which entered into force on 1 January 1999, one of the most important arguments in favour of creating the Sejny district was the national structure of this region inhabited in considerable part by the Lithuanians. The creation of the Opolskie Voivodship took account of, among others, the number of population of the German minority inhabiting this region.

The obligation to refrain from measures which would alter the proportions of the population in areas inhabited by persons belonging to national minorities was enshrined in art. 15 of the *Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Co-operation of 26 April 1994* (1995 Journal of Laws no. 15, item 71).

#### **Article 17**

1. *The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*

The right to maintain free contacts between citizens of national minority within the country and across frontiers with citizens of other countries with whom they share a national origin, is clearly guaranteed in bilateral treaties with the Federal Republic of Germany, Ukraine, Republic of Belarussia and Republic of Lithuania. *The Constitution* in its article 52 section 1 ensures to everyone the freedom of

movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland. Everyone may freely leave the territory of the Republic of Poland. (art. 52 section 2 of *the Constitution*).

2. *The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.*

The freedom of association is guaranteed in art. 58 of *the Constitution*. Only court may prohibit an association to register or prohibit an association from its activity. The details are provided for in the Act of 7 April 1989 Law on Associations (2001 Journal of Laws no. 79, item 855).

### **Article 18**

1. *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

The regulations concerning the rights of particular national minorities are enshrined in the treaties signed by Poland with all of its neighbours. Clauses concerning national minorities enshrined in bilateral treaties take account of the most important rights of minorities and obligations assumed by each country in this respect. The list of treaties has been presented below:

1. *Treaty between the Republic of Poland and the Federal Republic of Germany on Neighbourliness and Friendly Co-operation* of 17 June 1991 (1992 Journal of Laws no. 14, item 56) – articles 20-22 are devoted to minority rights.
2. *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Neighbourliness, Solidarity and Friendly Co-operation* of 6 October 1991 (1992 Journal of Laws no. 59, item 296). The Treaty applies not to the relations of the Republic of Poland with the Czech Republic and the Slovak Republic, maintained in force in the relations with the Slovak Republic on the basis of a protocol signed in Bratislava on 8 July 1993 and in the relations with the Czech Republic on the basis of a protocol signed in Warsaw on 29 March 1996 – article 8 is devoted to minority rights.
3. *Treaty between the Republic of Poland and Ukraine on Neighbourliness, Friendly Relations and Co-operation* of 18 May 1992 (1993 Journal of Laws no. 125, item 573) – article 11 is devoted to minority rights.
4. *Treaty between the Republic of Poland and the Russian Federation on Friendly and Neighbourly Relations* of 22 May 1992 (1993 Journal of Laws no. 61, item 291) – article 16 is devoted to minority rights.
5. *Treaty between the Republic of Poland and the Republic of Belarussia on Neighbourliness and Friendly Co-operation* of 23 June 1992 (1993 Journal of Laws no. 118, item 527) – articles 13 through 17 are devoted to minority rights.
6. *Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Co-operation* of 26 April 1994 (1995 Journal of Laws no. 15, item 17) – articles 13 through 16 are devoted to minority rights.

Minority rights are treated by Poland with due attention which found its expression in the provisions concerning minority rights in intergovernmental agreements on cultural co-operation concluded by Poland with its neighbours:

Federal Republic of Germany:

- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cultural Co-operation*, signed on 14 July 1997,
- *Protocols of meetings of the Mixed Polish and German Committee for Cultural Co-operation* whose meetings are held in one or another country in turns, on the basis of *the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cultural Co-operation* of 14 July 1997; the Mixed Committee is chaired by

representatives of the Ministries of Foreign Affairs of both countries, whose members include representatives of ministries competent in matters concerning co-operation in the field of culture, science, higher education and schooling;

Czech Republic:

- *Agreement between the Government of the Republic of Poland and the Government of the Czech and Slovak Federal Republic on Cultural, Educational and Scientific Co-operation*, signed on 16 September 1991;

Slovak Republic:

- *Agreement between the Government of the Republic of Poland and the Government of the Czech and Slovak Federal Republic on Cultural, Educational and Scientific Co-operation*, signed on 16 September 1991

Ukraine:

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Co-operation in the field of Culture, Science and Education*, signed on 20 May 1997;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarussia on Co-operation in the field of Culture, Science and Education*, signed on 27 November 1995;

Republic of Lithuania:

- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Co-operation in the fields of Culture, Science and Education*, signed on 17 December 1998;

Russian Federation:

- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Co-operation in the field of Culture, Science and Education*, signed on 25 August, 1993.

Subsequent agreements containing the references to minority rights are agreements concerning remembrance sites. Up to now, the following agreements have been signed:

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on the Protection of Memorial Sites and Resting Places of Victims of War and Political Repression*, made in Warsaw on 21 March 1994 (Journal of Laws no. 112, item 545);
- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Graveyards and Memorial Sites of Victims of Wars and Repression*, made in Cracow on 22 February 1994 (Journal of Laws no. 112, item 543);
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarussia on the Protection of Graveyards and Memorial Sites of Victims of Wars and Repression*, made in Brześć on 21 January 1995 (1997 Journal of Laws no. 32, item 185).

There are works going on now on a similar agreement with Lithuania.

On 18 April 2000, the Council of Ministers of the Republic of Poland passed a Declaration on the Interpretation of the *Framework Convention on the Protection of National Minorities* which, together with the documents ratifying the Convention was submitted on 20 December 2000 at the seat of the Council of Europe in Strasbourg. In this declaration, the Republic of Poland states, inter alia, that it shall realise the *Convention* also under art. 18 of the *Convention*, by concluding international agreements, referred to in this article aimed at protecting national minorities in Poland and Polish minorities or groups in other countries.

2. *Where relevant, the Parties shall take measures to encourage transfrontier co-operation.*

The treaties on friendly relations and neighbourly co-operation concluded between the Republic of Poland and the Republic of Lithuania, Ukraine, Republic of Belarussia, Russian Federation, Czech and Slovak Federal Republic and Federal Republic of Germany contain the provisions concerning mutually beneficial co-operation between municipalities, towns and other administration and territorial units and regions, especially in border areas.

To realise the provisions of bilateral treaties at the beginning of the 90-ties co-operation of border regions was initiated. The first Euro-region to be established in the Central and Eastern Europe was – initiated within the framework of Polish, German and Czech co-operation – the Nysa Euro-region, created in December 1991. At the borderline of Poland, Lithuania, Belarussia and Russian Federation, inhabited by the Lithuanian and Belarussian minority, in June 1997 started co-operation within the Niemen Euro-region. In September 1995, the Bug Euro-region was created which covered border areas of Poland, Belarussia and Ukraine, namely, the territories inhabited by the Belarussian, Ukrainian and Tatar minorities. The south-western part of Poland, inhabited by the Ukrainian and Lemk minorities lies within the limits of the Carpathian Euro-region established in February 1993. Apart from the Polish authorities, the statute of the Carpathian Euro-region was signed by representatives of regional authorities of Hungary, Ukraine and Slovakia. Polish-Slovakian co-operation grew under the Tatra Euro-region established in August 1994 and under the Beskidy Euro-region operating since February 2000. This area is inhabited by persons belonging to the Romany, Slovak and Lemk minorities. The Praded/ Pradziad Euro-region operating since 1997 lies at the borderline of the Republic of Poland and the Czech Republic. This Euro-region is inhabited by persons belonging to the German minority.

**Article 19**

*The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.*

In the Interpretation Declaration to *the Framework Convention on the Protection of National Minorities*, the Republic of Poland declared that since *the Framework Convention on the Protection of National Minorities* does include any definition of national minority, this term shall include national minorities inhabiting the territory of the Republic of Poland whose members are Polish citizens.

***PART III: AUTHORITIES AND INSTITUTIONS RESPONSIBLE FOR THE REALISATION OF  
POLICY TOWARDS MINORITIES AND ACTIONS UNDERTAKEN BY THEM***

The actions of the Government of the Republic of Poland are aimed not only at ensuring to representatives of national minorities their rights but also at strengthening the spirit of tolerance and intercultural dialogue in order to guarantee mutual respect, understanding and co-operating, create conditions necessary to promote culture and identity of national minorities in accordance with the best traditions of the Republic of Poland and to promote the attitude of openness and tolerance among the Polish society, especially among young people. The activity of the following institutions are supposed to serve that purpose: Commission for National and Ethnic Minorities of the Sejm of the Republic of Poland, Commissioner for Civil Rights, Team for National Minority Issues, National Minorities Department and Department of Culture of National Minorities Apart from them, the Ministry of National Education and Sport should be mentioned; although it does not have a specialised unit in charge of national minority issues in its structures the minority issues are within the competencies of the General and Specialised Education and Social Prevention Department. Depending on the kind of problem, the issues of national minorities are also addressed by other departments of the Ministry of National Education and Sport.

## I

**Commission for National and Ethnic Minorities of the Sejm of the Republic of Poland**, operating since 1989 undertakes actions involving:

1. co-creation of the law concerning national and ethnic minorities,
2. analysis of problematic issues,
3. consultations and meetings with minority communities,
4. interventions.

There are also regular meetings of the commission (also field meetings) devoted to the problems of particular minorities.

Under the works of the Commission, a bill of *the Act on National and Ethnic Minorities in the Republic of Poland* was created . On 16 September 1998 this bill was submitted to the Marshal of the Sejm of the Republic of Poland and transferred after the first reading to the Government for approval. In September 1999, the Council of Ministers approved the need of adopting the Act on National and Ethnic Minorities in the Republic of Poland, making commentaries to the submitted bill of the deputies.

The bill contained references to all the principles enshrined in *the Framework Convention for the Protection of National Minorities*. It included a list of lawful rights of national minorities, prohibition of discrimination on national or ethnic grounds and prohibition of assimilation. Recognising the principle of equality of citizens, it did not exclude the possibility of pursuing a preferential treatment policy towards national minorities aimed at ensuring equal chances. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers the bill provided for the possibility of treating minority languages as auxiliary languages. It also provided for the possibility to express names of towns, administrative authorities and streets in minority languages. It ensured the right to use minority language in official transcription of names and surnames in accordance with minority language rules. A separate chapter focusing on education and culture of national minorities contained regulations concerning the teaching of a native language and as well as the instruction in a native language, principles concerning financing of cultural events of national minorities and tasks of the public radio and television.

In the Sejm of the 4<sup>th</sup> term a special sub-commission was established to examine this bill. By the end of the 3<sup>rd</sup> term of office of the Sejm (September 2001) the works on the bill had not been completed. On 11 January 2002, the Commission for National and Ethnic Minorities of the Sejm of the 4<sup>th</sup> term submitted to the Marshal, upon its own initiative, the bill of the Act on National and Ethnic Minorities of the Republic of Poland in the version of 16 September 1998.

## II

**Protection of the rights of national and ethnic minorities is one of the priorities of the activity of the Commissioner for Civil Rights.** By the end of 2000, a separate position in charge of national



minorities and foreigners was created in the Office of the Commissioner for Civil Rights. On 1 January 2001, the Independent Department for the Protection of Foreigners and National Minorities Rights was established whose competencies include the issues connected with the protection of the rights of Polish citizens belonging to national and ethnic minorities, in particular, connected with the realisation of the equal treatment and non-discrimination principle and with the right of national and ethnic minorities to maintain and develop their native language, customs and traditions and to develop their own culture. Apart from analysing the respect of minority rights, preparing speeches and handling individual matters, basic tasks of the Department include:

- maintaining contacts with the Commission for National and Ethnic Minorities of the Sejm and with public administration authorities dealing with problems of national and ethnic minorities,
- maintaining contacts with social and cultural organisations of national and ethnic minorities as well as with non-governmental organisations focusing on the fights against racism, discrimination and xenophobia,
- participation in conferences, symposia and debates organised by governmental agencies, non-governmental organisations and scientific centres, focusing on the rights of national and ethnic minorities, racism, discrimination and xenophobia,
- undertaking field research into the situation of national and ethnic minorities and research into the respect of minority rights by public administration authorities,
- gathering information materials and political commentaries, scientific studies aimed at analysing and assessing the respect of the rights of national and ethnic minorities.

### III

In the Government it is the Minister of Internal Affairs and Administration who is responsible for the policy towards national minorities. This policy is co-ordinated by **the Team for National Minority Issues** (former Interdepartmental Team for National Minority Issues). Meetings of this Team are chaired by the Under Secretary of State in the Ministry of Internal Affairs and Administration, his deputy being the Under Secretary of State in the Ministry of Culture. The Teams is serviced by the National Minorities Department in the Ministry of Internal Affairs and Administration.

The Team for National Minority Issues is an advisory and consultative body of the President of the Council of Ministers. The Team members include representatives of ministries competent for public administration, public finances, education and schooling, labour, justice, internal affairs, social security, foreign affairs and the Committee for European Integration, President of the Repatriation and Foreigners Office, President of the Central Statistical Office and the Council for the Protection of Memory of Fighting and Martyrdom.

The Team's tasks are focused primarily on:

- elaborating plans of actions of the Government, aimed at creating the conditions favouring the development of national minorities,
- co-ordinating actions of the government administration, realising tasks to benefit national minorities,
- assessing and formulating proposals concerning the protection of rights and needs of national minorities,
- fighting against infringement upon the rights of national minorities,
- initiating actions aimed at propagation of knowledge about national minorities and their culture, as well as initiating research into the situation of national minorities.

The Interdepartmental Team managed to carry out the following tasks:

- preparation and implementation of *the Pilot Governmental Programme to benefit the Romany Minority in the Małopolskie Voivodship for the years 2001-2003*, adopted by the Council of Ministers on 13 February 2001; the solutions adopted in *the Programme* will be gradually implemented throughout Poland; *The Programme* is complex and covers education, counteracting unemployment, health protection, improvement of social and housing conditions, security, culture, promotion of knowledge about the Romany among the Polish society and knowledge about changes taking place in Poland among the Romany community; *the Programme* was created in co-operation of local self-government authorities and Romany organisations; it is financed from the state budget funds and funds of local self-government authorities and non-governmental organisations.

- causing, in co-operation with representatives of other ministries, the adoption of the Act of 27 April 2001 *on Amendment of VAT Tax and Excise Tax Act, Public Procurement Act and Non-Public Information Protection Act* (Journal of Laws no. 56, item 580) which resulted in introducing 0% VAT tax on magazines and periodicals of national minorities;
- establishment of positions of advisors or attorneys of voivodes in charge of national minority issues or appointment of voivodship officials in charge of those issues;
- appointment of the Sub-Team for the Education of National Minorities;
- elaboration, together with the Ministry of National Education, of the development strategy of the education of the Lithuanian minority in Poland;
- making amendments to the decrees of the Minister of National Education and Sport in connection with the education reform introduced in Poland and adjustment of its principles to the needs of national minorities.

#### IV

Within the Ministry of Internal Affairs and Administration there is **the National Minorities Department** whose activity is strictly related to the works of the Team for National Minority Issues. Its operations include handling the issues of national and ethnic minorities, in particular:

- elaborating – in agreement with representatives of other ministries – proposals of the principles of the country policy towards national minority,
- servicing the Team for National Minority Issues,
- co-operation with government and self-government administration authorities to cater for local needs of national minorities,
- providing assistance to national minority organisations in the realisation of their statutory goals,
- undertaking actions aimed at ensuring respect for minority rights, solving minority problems and counteracting infringement of minority rights,
- elaboration and co-ordination of programmes to benefit national minorities,
- preparation of materials concerning the respect of minority rights under internal laws and international commitments of the Republic of Poland.

#### V

**The Department of Culture of National Minorities** operating within the structure of the Ministry of Culture, realises the tasks of the ministry with respect to:

- granting assistance to social organisations in the observance and preservation of traditions and cultures of national minorities,
- state patronage with respect to the department's activity through granting target subsidies on behalf of the Minister to carry out assignments delegated in the way specified separately by the Minister and under public procurement procedure,
- supporting cultural events organised by minority unions and associations,
- supporting low-circulation publications and press of minorities.

Besides, the Department of Culture of National Minorities is involved in:

- collection and analysis of materials concerning international standards in the field of protection of cultural heritage of minorities,
- co-operation with minority unions and associations in the field of cultural education of children and youth,
- consulting of legal acts, conventions, treaties and international standards concerning problems of minority cultures,
- supporting projects to the benefit of tolerance and actions promoting the issues of minority culture among the Polish society,
- realisation of tasks resulting from the co-operation with the Team for National Minority Issues.

***PART IV: DATA CONCERNING CRIMINALITY***

Based on the data of the Central Police Headquarters it results that in 2000 throughout the country the following offences were reported:

- 9 acts of discrimination related to the infringement of art. 119 of the Penal Code whereby 17 persons were harmed, including 3 foreigners; perpetrators of 6 acts were identified, including 2 minors;
- 28 cases of inciting of hatred and promoting fascism infringing art. 556 of the Penal Code; 22 suspects were arrested, including 7 minors;
- 16 acts of public slandering or infringement of inviolability on national and other grounds (art. 57 of the Penal Code); 10 perpetrators were identified, including 1 acting in the conditions of non-accountability and 2 minors.

Perpetrators of all reported offences were Polish citizens.

The most frequently violations of regulations relate to:

- making inscriptions of nationalistic or fascist contents on facades of buildings, containers, monuments, pillars, road signs,
- sticking in public places of nationalistic and fascist leaflets,
- promoting fascists slogans and symbols through their crying out, spreading of flags, etc.
- disseminating publications of anti-Jewish and fascist character.

The Police are ready to undertake measures ensuring full protection of the laws applicable in Poland, also in cases which may indicate at racial prejudice or discrimination. Their duties include reacting to the cases of racial intolerance and discrimination as well as undertaking protection measures in cases the violation of the legal order may be foreseen.

The Police (especially, the Criminal Service Co-ordination Bureau of the Central Police Headquarters) co-operates with the Team of National Minority Issues, carrying out, among others, monitoring of offences committed against the Romany. According to these data, in the period from April 1999 to the end of September 2001, 19 offences were committed in which the Romany were harmed (including, among others, 3 burglaries, 4 cases of breaking into house, 5 arsons and 3 batteries). However, in none of the above cases was it clearly identified that the motif of the perpetrators' action was discrimination on national or ethnic grounds.

Monitoring of groups propagating extreme nationalistic and racist slogans is also performed by the Office for the Protection of the State (UOP). Its competencies include identification and prevention of activity of national organisations and persons allowing the use of violence or terrorism as the means of political fighting against the constitutional order or public order in Poland. This monitoring covers publications and Web sites, rock music concerts, distribution of propaganda materials, etc. In the case of detaining a persons suspected of distribution of materials propagating hatred on racist grounds, a court expert assesses whether distribution of such materials constitutes propagation of neo-fascist ideology. In case the court expert issues a positive opinion that the seized materials contain messages propagating fascist system or incite to hatred on national, ethnic, racial, religious grounds or on the grounds of lack of religious denomination, the Office for the Protection of the State institutes penal proceedings. Since 1996 on the basis of proceedings conducted by the Office for the Protection of the State several sentences were issued for the propagation of fascism. In 1996, 50 neo-Nazi, extreme nationalistic and anti-Jewish publications issued in Poland were identified. As a result of the actions of the Office for the Protection of the State their number dropped to 10 titles in 2000. Besides, in 2000 several rallies of fascist groups were foiled.

***PART V: FINAL REMARKS***

National minorities in Poland, in accordance with international regulations and internal law are the object of special care of the authorities. Minority rights have been ensured in the above described legal acts. For many years, the realisation of the rights of national minorities is largely based on strict co-operation of the government and self-government administration authorities interested in the regional development and strengthening of the idea of “small fatherlands” – as well as organisations of national minorities. This co-operation concerns mainly the realisation of the right to maintain and strengthen national and ethnic identity. Such a model of co-operation based on the principle “nothing about us without us” seems the most effective tool of ensuring cultural autonomy of citizens belonging to national minorities.

In the course of works on the Report on the realisation of the provisions of *the Framework Convention of the Council of Europe on the Protection of National Minorities*, the draft version of this document was submitted to consulting to representatives of national and ethnic minorities in Poland. During the consultations, minority communities submitted a number of postulates going beyond the issues addressed in the Convention. These include mainly matters concerning: education, access of minorities to the mass media, ensuring more persistent politics of the state and self-government authorities, guaranteeing the development of culture and maintenance of minority identity at a safe level, bigger access to the public funds, strengthening of the spirit of tolerance and intercultural dialogue, enriching the knowledge about minorities living in Poland and increasing the possibilities of representation of minorities in eligible offices and authorities.

While expressing a positive opinion on both the applicable law and the policy of the central administration authorities, we should not forget about local controversies or antagonisms with underlying sensitivity of minorities to actual or alleged transgressions and, on the other hand, xenophobic attitudes and intolerance among part of the Polish society towards persons with different mentality, speech or appearance.

***PART VI: ANNEXE: LEGAL STATUS***

Polish legislation specifies in detail the rights of national minorities. Almost all the provisions of the Convention Articles are reflected in *the Constitution of the Republic of Poland*, international agreements ratified by Poland and statutes.

The most important rights of persons belonging to national and ethnic minorities are regulated in the provisions listed below:

- the freedom to maintain and develop their own language – art. 35 section 1 of *the Constitution of the Republic of Poland*;
- the freedom to maintain customs and traditions, and to develop their own culture - art. 35 section 1 of *the Constitution of the Republic of Poland*, art. 1-7 of the Act of 17 May 1989 *on the Guarantees of the Freedom of Conscience and Faith*;
- the right to establish their own educational and cultural institutions as well as institutions designed to protect religious identity – art. 35 section 2 of *the Constitution of the Republic of Poland*, art. 13 of the Act of 7 September 1991 *on the Education System*, the Act *on the Guarantees of the Freedom of Conscience and Faith*;
- the right to participate in the resolution of matters connected with their national identity – art. 35 section 2 of *the Constitution*;
- the right to use freely minority language in private and in public – art. 27 of *the Constitution*, art. 2 of the Act of 7 October 1999 *on the Polish Language*;
- the right to use the spelling of names and surnames in the wording of a national minority – Treaties on Friendship and Neighbourly Relations with the Federal Republic of Germany, Ukraine, Republic of Belarussia and the Republic of Lithuania;
- the right to access to the public media – art. 54 of *the Constitution*, art. 21 section 2 point 9 of *the Radio and Television Broadcasting Act*;
- the right to unrestrained performing of religious practices – art. 53 of *the Constitution*, *Act on the Guarantees of the Freedom of Conscience and Faith*;
- the right to free contact with compatriots in the country of domicile and abroad – bilateral treaties with the Federal Republic of Germany, Ukraine, Republic of Belarussia and Republic of Lithuania;
- prohibition of discrimination and existence of organisations whose programme or activity assumes or allows racial and national hatred – art. 13 of *the Constitution*, art. 6 of *the Act on the Guarantees of the Freedom of Conscience and Faith*, art. 119, 149, 195, 196, 256, 257 of *the Penal Code*;
- electoral privileges for electoral committees of minority organisations – art. 134 of *the Electoral Ordinance to the Sejm of the Republic of Poland and the Senate of the Republic of Poland*;
- the right of assembly – art. 58 of *the Constitution*, art. 1 of the *Act Law on Assemblies*.



**EXTRACT OF KEY LEGAL REGULATIONS CONCERNING THE RIGHTS OF  
NATIONAL MINORITIES IN THE REPUBLIC OF POLAND**

**CONSTITUTION OF THE REPUBLIC OF POLAND**

**of 2 April 1997**

(Journal of Laws no. 78, item 483)

**Art. 5**

The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.

**Art. 7**

The organs of public authority shall function on the basis of, and within the limits of, the law.

**Art. 11**

1. The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
2. The financing of political parties shall be open to public inspection.

**Art. 12**

The Republic of Poland shall ensure freedom for the creation and functioning of trades unions, social and occupational organisations of farmers, societies, citizens' movements, other voluntary associations and foundations.

**Art. 13**

Political parties and other organisations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be forbidden.

**Art. 25**

1. Churches and other religious organisations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. The relationship between the State and churches and other religious organisations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of co-operation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.
5. The relations between the Republic of Poland and other churches and religious organisations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

**Art. 27**

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.

**Art. 31**

1. Freedom of the person shall receive legal protection.

2. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.
3. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

#### **Art. 32**

1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

#### **Art. 35**

1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.
2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

#### **Art. 52**

1. Freedom of movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland shall be ensured to everyone.
2. Everyone may freely leave the territory of the Republic of Poland.

#### **Art. 53**

1. Freedom of faith and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Art. 48, para. 1 shall apply as appropriate.
4. The religion of a church or other legally recognised religious organisation may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.
6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

#### **Art. 54**

1. The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone.
2. Preventive censorship of the means of social communication and the licensing of the press shall be forbidden. Statutes may require the receipt of a permit for the operation of a radio or television station.

#### **Art. 57**

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by statute.

**Art. 58**

1. The freedom of association shall be guaranteed to everyone.
2. Associations whose purposes or activities are contrary to the Constitution or statutes shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities.
3. Statutes shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.

**Art. 60**

Polish citizens enjoying full public rights shall have a right of access to the public service based on the principle of equality.

**Art. 70**

1. Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by statute.
3. While establishing the child's rights, public authorities and persons responsible for the child shall be obliged to listen to and, as far as possible, take into account the child's opinion.

**Art. 79**

1. Everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgement on the conformity to the Constitution of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution.

**Art. 80**

Everyone shall have the right to apply to the Commissioner for Citizens' Rights for assistance in protection of his freedoms or rights infringed by organs of public authority.

**Art. 87**

1. The sources of universally binding law of the Republic of Poland shall be: the Constitution, statutes, ratified international agreements, and regulations.
2. Enactments of local law issued by the operation of organs shall be the source of universally binding law of the Republic of Poland in the territory of the organ issuing such enactments.

**Art. 91**

1. After promulgation thereof in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*), a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly, unless its application depends on the enactment of a statute.
2. An international agreement ratified upon prior consent granted by statute shall have precedence over statutes if such an agreement cannot be reconciled with the provisions of such statutes.
3. If an agreement, ratified by the Republic of Poland, establishing an international organisation so provides, the laws established by it shall be applied directly and have precedence in the event of a conflict of laws.

**Art. 208**

1. The Commissioner for Citizens' Rights shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts.
2. The scope and mode of work of the Commissioner for Citizens' Rights shall be specified by statute.

**Art. 213**

The National Council of Radio and Broadcasting shall safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television.

PROVISIONS CONCERNING PARTICIPATION IN PUBLIC LIFE

**ACT**  
**of 17 May 1998**  
**on the Guarantees of the Freedom of Conscience and Faith**  
(uniform text: 2000 Journal of Laws no. 26, item 319)

**Art. 1**

1. The Republic of Poland shall guarantee every citizen the freedom of conscience and faith.
2. The freedom of conscience and faith shall include the freedom to choose religion and convictions and express them individually and collectively, in private and in public.
3. Citizens being believers of all faiths and non-believers shall have equal rights in state, political, economic, social and cultural life.

**Art. 2.**

Enjoying their freedom of conscience and faith, citizens may, in particular,

- 1) establish religious congregations and communities hereinafter referred to as “churches and other religious associations”, established for the purpose of practising and propagating religious faith, possessing their own system, doctrine and rites,
- 2) in accordance with the principles of their religion, participate in religious practices and ceremonies, fulfil their religious obligations and celebrate religious holidays,
  - 2a) belong or not belong to churches and other religious associations,
- 3) profess its religion or faith,
- 4) raise children in accordance with their religious beliefs,
- 5) keep silence in matters connected with their religion or convictions,
- 6) maintain contacts with co-believers, also participate in the works of international religious organisations,
- 7) use sources of information concerning religion,
- 8) manufacture and purchase objects necessary for religious worship or practices and use them,
- 9) manufacture, purchase and own articles necessary for the observance of religious rites and rules,
- 10) chose priesthood or ministry,
- 11) become members of secular organisations for the purpose of realisation of tasks resulting from the practised religion or religious beliefs,
- 12) be buried in accordance with the followed religious rules or religious beliefs.

**Art. 3**

1. External expression, individually or collectively, of a person’s religion or convictions may only be subject to statutory limitations necessary for the protection of public security, order, health or public morals or fundamental rights and liberties of other persons.
2. Enjoyment of the freedom of conscience and faith may not lead to evading the performance of public obligations imposed by statutes.
3. On grounds of their religious beliefs and moral principles, citizens may apply to be delegated to do substitute military service, on the conditions specified in the Act on Universal Obligation of Defence of the Republic of Poland. In order to enjoy this right, a person should submit a relevant declaration concerning his religious beliefs or moral principles.

**Art. 4**

1. The right, referred to in art. 2 point 2 and the right to own and use objects necessary for religious worship and performance of religious practices, is also granted to persons:
  - 1) doing their military service or conscript military service in civil defence forces,
  - 2) staying in health care institutions (1) and social care institutions (2) and children and youth staying in domestic camps organised by state institutions,
  - 3) staying in penal institutions, correctional institutions and educational institutions, as well as in custody pending inquiry, social adaptation centres (3) and care centres for minors.

2. The method of exercising the rights specified in section 1 is regulated in separate statutes and regulations issued on the basis thereof.

**Art. 5**

Citizens have the right to freely make donations for churches and other religious associations and charitable institutions and care centres.

**Art. 6**

1. No one may be discriminated against or privileged on grounds of religion or religious beliefs.
2. Citizens may not be forcibly prohibited from participating in religious practices or rites or forced to take part in them.

**Art. 7**

1. Foreigners staying on the territory of the Republic of Poland may enjoy the freedom of conscience and faith equally with Polish citizens.
2. The provision of section 1 shall apply to stateless persons accordingly.

**Art. 42**

1. Persons belonging to churches and other religious associations whose religious holidays are not public holidays, may, at their own request, be granted days off from work or school for the period of celebration of such holidays, in accordance with the requirements of their religion.
2. Minors may enjoy the right, referred to in section 1, at the request of their parents or legal guardians.
3. Days off from work or school, referred to in section 1 and 2, may be granted provided the time of absence is made up for without additional compensation for work on public holidays or in overtime hours.
4. The minister in charge of labour policy and the minister in charge of schooling and education, the minister in charge of higher education in co-operation with the minister in charge of religious beliefs shall, by way of a statute, specify detailed conditions of granting days off from work or school, referred to in section 1 and 2.

**ACT**

**of 7 April 1998**

**Law on Associations**

(uniform text: 2000 Journal of Laws no. 79, item 855)

**Art. 1**

1. Polish citizens shall enjoy the right of membership associations, in accordance with the provisions of the Constitution and statutes.
2. The right of membership in associations may be subject to limitations specified in statutes only, to the extent necessary to ensure the state security, state interests or public order as well as to protect health or public moral or protect rights and freedoms of other people.

**Art. 2**

Associations have the right to express their opinion in public matters.

**ACT**

**of 5 July, 1990**

**Law on Assemblies**

(Journal of Laws no. 51, item 297 as amended)

**Art. 1**

1. Everyone may enjoy the freedom of peaceful assembly.

2. Assembly shall mean a gathering of at least 15 persons, convened for the purpose of joint debates or expression of a joint position.

**ACT**  
**of 27 June 1997**  
**on Political Parties**  
(uniform text: 2001 Journal of Laws no. 79, item 857)

**Art. 2**

1. Members of political parties may be citizens of the Republic of Poland who have attained the age of 18.
2. Prohibition of membership in political parties shall be specified in separate statutes.

**ACT**  
**of 12 April 2001**  
**Electoral Ordinance to the Sejm of the Republic of Poland and the Senate of the Republic of Poland**  
(Journal of Laws no. 46, item 499 as amended).

**Art. 134.**

1. Electoral committees created by constituents being members of registered organisations of national minorities may enjoy the right of exemption for the lists of these electoral committees from the conditions specified in art. 133 section 1, provided they submit a declaration in this respect to the State Electoral Commission, at the latest 5 days prior to holding the election. Apart from the declaration, referred to in the first sentence, the committee shall be obliged to submit a document issued by the competent statutory authority of the national minority organisation confirming the establishment of the committee by constituents being members of this organisation.
2. The State Electoral Commission shall immediately acknowledge the receipt of the declaration, referred to in section 1. The acknowledgement of the declaration shall be binding.

**THE ACT**  
**dated 29 August 1997**  
**on the Protection of Personal Data**  
(Journal of Laws no. 133, item 883 as amended)

**Art. 27.**

1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, religious, party or trade-union membership, as well as the processing of data concerning health, genetic code, addictions or sex life and data relating to convictions, judgments on penalty, fines and other decisions issued in court or administrative proceedings is prohibited.
2. Processing of the data referred to in paragraph 1 above shall not constitute a breach of the act where:
  - 1) the data subject has given his written consent, unless the processing consists in erasure of personal data;
  - 2) the provisions of other specific statute provide for the processing of such data without the need to request the data subject's consent and provide for adequate safeguards;
  - 3) processing is necessary to protect the vital interests of the data subject or of another persons where the data subject is physically or legally incapable of giving his consent until the establishing of a guardian or a curator;

4) processing is necessary for the purposes of carrying out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit-seeking organisations or institutions with a political, scientific, religious, philosophical, or trade-union aim and on the condition that the processing relates solely to the members of those organisations or institutions or to the persons who have a regular contact with them in connection with their purposes and subject to providing suitable safeguards of the processed data;

5) processing relates to the data necessary for the establishment of legal claims;

6) processing is necessary for the purposes of carrying out the obligations of the controller with regard to employment of his employees and other persons, and the scope of processing is provided by the law;

7) processing is required for the purposes of preventive medicine, the provision of care or treatment, where the data are processed by a health professional subject involved in treatment, other health care services, or the management of health care services and subject to providing suitable safeguards;

8) the processing relates to those data which are manifestly made public by the data subject.

**THE ACT**  
**dated 2 December 1999**  
**on the National Population and Housing Census 2002**  
(2000 Journal of Laws no. 1, item 1 as amended)

**Art. 5**

1. Within the framework of the census, examination of nationality will be performed of all persons subject to the Census.
2. The examination mentioned in section 1 involves the following questions:
  - 1) to what nationality belongs the listed person;
  - 2) what language is used most extensively at home.

**DECREE**  
**OF THE MINISTER OF LABOUR AND SOCIAL POLICY AND THE MINISTER OF**  
**NATIONAL EDUCATION**  
**dated 11 March 1999**  
**on Days off from Work or School for Persons Belonging to Churches and Other Religious**  
**Associations for Celebrating Religious Holidays Other than Public Holidays**  
(Journal of Laws no. 26, item 235)

On the basis of art. 42 section 4 of the Act dated 17 May 1989 on guarantees of the freedom of conscience and faith (1990 Journal of Laws No. 29 Item 155, No. 51 Item 297, No. 55 Item 321 and No. 86 Item 504 and 1991 Journal of Laws No. 95 Item 425 and 1993 Journal of Laws No. 7 Item 34 and 1998 Journal of Laws No. 59 Item 375), it is decreed as follows:

**§ 1**

1. Employee belonging to the church or religious association whose religious holidays are not public holidays should submit the application for granting a day off from work mentioned in art. 42 section 1 of the Act dated 17 May 1989 on guarantees of the freedom of conscience and faith (1990 Journal of Laws No. 29 Item 155, No. 51 Item 297, No. 55 Item 321 and No. 86 Item 504 and 1991 Journal of Laws No. 95 Item 425 and 1993 Journal of Laws No. 7 Item 34 and 1998 Journal of Laws No. 59 Item 375), hereinafter the “Act”, should report this to the employer at least 7 days in advance. The

employer notifies the employee about the conditions of making up for the granted day-off not later than 3 days before the day-off.

2. The provision of section 1 is not applied to the religious holidays falling in the fixed day of each week. In order to allow the employee to celebrate such holidays, the employer, at his request, defines the individual schedule of working hours for him.

## **§ 2**

1. Pupil or student belonging to the church or religious association whose religious holidays are not public holidays submits the application for granting a day off from, education mentioned in art. 42 section 1 of the Act, to the school (other educational and pedagogical entity or guardian and pedagogical entity) or higher education institution, hereinafter the “school”, in a way accepted at the beginning of the school (academic) year or during the course of study, however at least 7 days before the planned day-off.

2. Upon granting day-off from education, the school also defines the method of making up for the educational outstanding work caused by the day-off.

## **§3**

On behalf of minor persons, the application for granting day-off, mentioned in § 1 section 1 and in § 2 section 1, is submitted by the parents or legal guardians.

## **§ 4**

The Decree of the Minister of Labour and Social Matters and the Minister of National Education dated 12 November 1990 on days off from work or school for persons belonging to church and other religious associations for celebrating religious holidays other than public holidays (Journal of Laws No. 82 Item 481) loses its validity.

## **§ 5**

The Decree becomes effective after 14 from announcement.

# **REGULATIONS CONCERNING THE LANGUAGE**

## **THE ACT**

**dated 7 October 1999**

**on the Polish Language**

(Journal of Laws no. 90, item 999 as amended)

## **Art. 2.**

The Act is not in breach of:

- 1) the provisions of the acts on the of the state to churches and other religious associations, in particular concerning performing religious cult and practices;
- 2) the rights of national minorities and ethnic groups.

## **THE ACT**

**dated 15 November 1956**

**on Changing Names and Surnames**

(uniform text: 1963 Journal of Laws no. 59, item 328 as amended)

## **Art. 1**

1. Change of name or surname of the Polish citizen to another name or surname, indicated by himself, may take place at his/her request on the conditions defined in the provisions of this Act.



2. Change of name or surname of stateless the person to another name or surname, indicated by himself, may take place at his request provided such person has the permanent place of resident in Poland.
3. Change may also refer to family name of the woman who has or had been married.

#### **Art. 2**

1. Request for change of name or surname shall be taken into consideration if it is justified with important reasons.
2. In particular, important reasons are involved in the requesting party is bearing the surname:
  - 1) ridiculing or incompatible with the human honour;
  - 2) having non-Polish wording;
  - 3) having the form of a name;and also if the requesting party wishes to change its surname to the one being in use for a long time.

#### **Art. 3**

Request for the change of surname shall not be taken into consideration:

- 1) if there is a justified suspicion that the requesting party is attempting to change surname in order to facilitate its criminal activity or avoiding civil or penal liability;
- 2) if the requesting party is attempting to change surname to a historic surname, associated with cultural and scientific achievements, political, social or military activity, unless he had family members bearing such surname or is commonly known under this surname.

#### **Art. 4 (deleted)**

#### **Art. 5**

1. Change of surname of both parents shall also extend to cover minor children.
2. If change of surname refers to only one parent, extending it to cover minor children requires consent of the other parent unless such parent does not have full capacity to perform legal actions, is dead, is not identified or deprived of parental authority. If the child is aged 14 or more, also his/her consent is required for change of the surname.
3. In the case of lack of agreement among parents, each parent may turn to the guardianship authority for resolution. Decision on change of surname of minor children is made after judgements of the guardianship authority become final.
4. Provisions of sections 2 and 3 shall be applied respectively in the case when change of surname is supposed to involve only a minor child. Statutory representative submits the request for change of surname of minor child.

#### **Art. 6**

1. The surname may consist of maximum two parts (elements).
2. The provision of section 1 shall also apply to the changing surname upon marriage or adoption.

#### **Art. 7**

Provisions of art. 2 section 1 and section 2, point 1 and 2, and art. 5 sections 3 and 4, shall apply to changing names.

#### **Art. 8**

The county chief (*starosta*), competent for the place of residence of the requesting party, takes decision in the matters defined in the Act, and in case there is no place of residence – the decision is taken by the President of the capital city of Warsaw as the executory organ in the municipality Central Warsaw.

#### **Art. 9**

1. Persons resident in Poland submit applications in the matters specified in the Act to the organs mentioned in art. 8. If the applicant's place of residence is outside Poland, then application is submitted with intermediary of the Consul of the Republic of Poland.

2. Territorial competence of county chiefs is defined, for persons domiciled abroad, by: the last place of domicile or the last place of residence in Poland. If none available, then the competent organ shall be the President of the capital city of Warsaw as the executory organ in the municipality Central Warsaw.

#### **Art. 10**

1. In case of doubts, spelling and wording of name and surname shall be determined by the county chief, at the request of one of the parties.
2. The provision of section 1 shall be applied respectively in the cases of adjustment of the spelling of names and surnames to the principles of the Polish writing according to their phonetic wording. Determination of spelling, mentioned in section 2, may also be performed ex officio if name or surname has Polish wording.

#### **Art. 11**

1. The organ mentioned in art. 8 notifies the following organs about change of name or surname: the Registrar Offices competent for issuing birth certificate and marriage certificate of the requesting party and birth certificates of his minor children, as well the competent Fiscal Office and Police Station, the Military Recruitment Agency and population registering organs and the Central Register of Convicted Persons.

The provision of section 1 shall be applied respectively in the cases provided for in art. 10.

#### **Art. 11a**

1. The county chief's tasks and competencies, defined in the Act, are the governmental administration tasks.
2. Voievodes supervise activities of county organs as far as realisation of the statutory obligations is concerned.
3. Voievode is the appeal organ against the administrative decisions issued by the county organs basing on the act.

#### **Art. 12**

The Decree dated 10 November 1945 on changing and determining names and surnames (Journal of Laws No. 56 Item 310) loses its validity.

**THE DECREE  
OF THE REPUBLIC OF POLAND  
dated 24 October 1934  
on Specification of Names of Settlements  
and Physiographic Objects and on Real Estate Numeration  
(Journal of Laws no. 94, item 850 as amended)**

On the basis of art. 44 section 6 of the Constitutions and the Act dated 15 March 1934 authorising the President of the Republic of Poland to issue decrees with the legal status of the act (Journal of Laws of the Republic of Poland No. 28 Item 221), hereby I decide as follows:

#### **Art. 1**

This Decree shall regulate the issue of specifying names:

- a) inhabited towns, i.e. any autonomous settlements differentiated from the neighbouring settlements by other name, and – in the case of identical name – with other specification of type (“town” or “village”, “village” or “estate” “estate” or “forest dwelling” etc.);
- b) non-inhabited settlements;
- c) physiographic elements (rivers, mountain peaks and ranges, valleys etc)

#### **Art. 2**

1. Official names of settlements and physiographic objects, together with their spelling, shall be specified and changed by the Minister of Internal Affairs in a decree to be announced in the Polish Monitor.
2. The first general specification of official names, based on this Decree, shall be carried out by the decrees, each covering names of all settlements and physiographic objects on the area of at least one voievodship. Such decrees shall be published in the official part of the "List of Settlements in the Republic of Poland" issued by the Central Statistical Office.

#### **Art. 3**

1. The Commission for Specification of Names of Settlements and Physiographic Objects is established and affiliated with the Minister of Internal Affairs.
2. The Commission consists of the chairman and six members, including representatives of scientific circles and one representative of the Ministries of: Military Affairs, Communication and Post Office and Telegraph.
3. Chairman of the Commission and representatives of scientific circles shall be appointed by the Minister of Internal Affairs, and representatives of scientific are appointed in agreement with the Minister of Religions and Public Enlightenment. Representatives of the Ministries are appointed by the relevant Ministers. Deputy Chairman and Deputy Commission Members are appointed in the identical mode.
4. With consent of the Chairman, delegates from the interested offices, appointed by relevant authorities, may participate in sessions of the Commission with advisory voice.

#### **Art. 4**

1. The Commission is the opinion formulating organ and is considering the matters submitted by the Chairman.
2. The regulations of actions of the Commission will be issued by the Minister of Internal Affairs.

#### **Art. 5**

1. In order to prepare the materials for session of the Commission, the Minister of Internal Affairs may appoint temporary regional commissions for specification of names of settlements and physiographic objects.
2. The Minister of Internal Affairs shall specify the composition and regulations of activity of regional commissions.

#### **Art. 6 (deleted)**

#### **Art. 7**

In public relations, names of settlements and physiographic objects may only be used in the official wording, specified under this Decree.

#### **Art. 8**

1. In each town, the municipal board shall maintain in good condition, on corners of streets and squares, plates with names of streets and squares.  
The Minister of Internal Affairs may extend the scope of duties listed in section (1), also to include other settlements, indicating simultaneously who is responsible for placing and maintaining the said plates.

#### **Art. 9**

1. Each real estate in settlements, both developed and planned for development according to the valid development plan, should be marked with the order number by the managing organs of the local self-government.
2. The principles of numeration of real estates shall be specified by the Minister of Internal Affairs in a decree.

2. Owners of buildings and fenced undeveloped squares shall be obliged to place on their real estate, and keep in good condition, plates with order numbers specified under sections 1 and 2.

**Art. 10**

Those breaching provisions of art. 7 or maliciously removing or destroying the plates mentioned in art. 8 and 9, shall be subject to the administrative penalty of detention for up to a month or fine of up to 750 zł.

**Art. 11** (invalidated)

**Art. 12**

The Minister of Internal Affairs is entrusted with the task of implementation of this Decree.

**Art. 13**

1. This Decree becomes effective on the day of announcement and shall be in force in the whole country.

2. Simultaneously, all provisions concerning the matters regulated in this Decree, lose their validity, except for the provisions of art. 43 section 1 point p) and art. 65 section 1 of the Act dated 23 March 1933 on partial change of the constitution of the local self-government (Journal of Laws of the Republic of Poland No. 35 Item 294).

**THE ACT**

**dated 17 July 2001**

**Law on Constitution of Common Courts**

(Journal of Laws no. 98, item 1070)

**Art. 5**

§ 1. The Polish language is the official language.

§ 2. Any person with insufficient command of Polish language has the right to testify before the court in a language known to him and to use, free of charge, the services of interpreter.

§ 3. The court competent to consider the case in the first instance takes the decision to assign interpreter to the person mentioned in § 2. The application for assigning an interpreter, when submitted during the course of the case, shall be considered by the court of the instance in which the case is in course.

## REGULATIONS CONCERNING THE CULTURE

### **THE ACT** **dated 29 December 1992** **on Radio and Television Broadcasting** (1993 Journal of Laws no. 7, item 34 as amended)

#### **Art. 2**

1. Public broadcasting organisations and holders of broadcasting licences shall be entitled to transmit radio and television programme services.
2. The provisions of the Act shall not apply to:
  - 1) programme service transmitted or retransmitted solely for reception within a single building,
  - 2) programme service transmitted or retransmitted in a system, where transmitting and receiving equipment belongs to the same person engaged in business activity or other registered public activity, and where the content of the programme service is limited to matters relating to that activity and is addressed either to employees or another particular group of people connected to the broadcaster,
  - 3) programme service retransmitted in a cable network, where the number of individual receivers does not exceed 250.

#### **Art. 18**

Programmes or other items may not encourage actions contrary to law and Poland's *raison d'Etat* or propagate attitudes and beliefs contrary to the moral values and social interest. In particular, they may not include any discrimination on grounds of race, sex or nationality.

#### **Art. 21**

2. Programmes in public radio and television broadcasting should:
  - 9) take into account the needs of national minorities and ethnic groups.

## REGULATIONS CONCERNING EDUCATION

### **THE ACT** **dated 7 September 1991** **on the System of Education** (uniform text: 1996 Journal of Laws no. 67, item 329 as amended)

#### **Art. 13**

1. Public schools shall enable pupils to retain their sense of national, ethnic and religious identity, and in particular shall make it possible for them to learn their own language, history and culture.
2. At the request of the parents, the educational instruction in paragraph 1 may be conducted in:
  - 1) separate groups, section or schools,
  - 2) groups, sections or schools - with additional language lessons and lesson on history and culture
  - 3) in inter-school teaching teams.
3. The Minister competent for the educational and pedagogical matters shall determine, in the decree, the way in which the schools and institutions realise the tasks mentioned in section 1 and 2, in particular minimal number of students for whom particular forms of education, mentioned in section 2, would be organised.

**DECREE  
OF THE MINISTER OF NATIONAL EDUCATION  
dated 24 March 1992**

**on the Organisation of Educational Programmes Enabling Pupils of National Minorities to  
Retain their Sense of National, Ethnic and Linguistic Identity**

(Journal of Laws no. 24,item 150)

On the basis of art. 13 section 3 of the Act dated 7 September 1991 on the System of Education (Journal of Laws No. 95 Item 425 and 1992 Journal of Laws No. 26 Item 113), the following is hereby decreed:

**§ 1**

1. Public pre-schools and schools shall provide for pupils conditions to retain and develop their sense of national, ethnic and linguistic identity, as well as their own history and culture.
2. The conditions of paragraph 1 shall be created in the course of generally accessible curricular or extracurricular instruction.

**§ 2**

The Superintendent of Education shall supervise correct realisation of the educational rights of pupils of national and ethnic minorities, hereinafter the “minorities”.

**§ 3**

1. Native language instruction for minority pupils as well as other classes outlined in § 1 section 2 will be organised on a volunteer basis. These classes shall be organised by the school (pre-school) principal at the request of the parents or legal guardians. In the case of students on post-elementary school level, students themselves may submit the declarations of will to participate in the instruction mentioned in § 4.
2. Applications for instruction of the minority’s native language shall be received by the school principal upon acceptance of the child to school (pre-school) or during the period of preparations for the new school year, i.e. in April and May. Such application shall be valid until the moment of completion of education in school (pre-school). The application should specify the form of education consistent with § 4.

**§ 4**

1. Instruction of the native language of a specific minority may be conducted:
  - 1) in pre-schools and schools with instruction in the native language;
  - 2) in pre-schools and bilingual schools;
  - 3) in schools with supplementary program of instruction of the minority’s native language;
  - 4) in inter-school teams for instruction of the minority’s native language.
2. Schools (pre-schools) for minorities shall be organised and financed according to the regulations for public pre-schools and schools of respective types, taking into consideration provisions of § 6.
3. Elementary school offering instruction in the minority’s native language may be without the specified district provided it has lodging facilities or organises transport for pupils.

**§ 5**

1. The “school offering instruction in the minority’s native language” should be understood as the school that offers instruction in the native language of the minority, with exception of instruction of the Polish language, literature and history.
2. In pre-school offering instruction in the native language, classes are held exclusively in the minority’s native language.
3. In sections for 6-old children, the Polish language is introduced, 4 hours a week.
4. The “bilingual school” should be understood as the school (pre-school) with instruction in two equal-ranking languages, in this case the Polish language and the minority’s native language.

5. The “school with supplementary program of instruction of the native language” should be understood as the school offering instruction of all subjects in the Polish language, except for the supplementary subject, i.e. the native language of the specific minority.

## **§ 6**

A minority native language class (section) may be organised if at least 7 elementary school pupils from one class and 14 upper-level pupils declare an interest in forming such a class.

## **§ 7**

1. If the number of children declaring an interest is less than the number in § 6, the native language classes can be organised with students from different grades or class sections, subject to the following:

- 1) a class composed of pupils from different sections (for example third-grades from section A and B) must have at least 7 pupils;
- 2) a class composed of pupils from different grades (for example second and third grade) will function as a combination class and should have at least 3 but no more than 14 pupils;
- 3) if a single pupil from one class declares an interest in participating in the native language instruction, he may learn the language in a bilingual class or a combination class.

2. If it is impossible to organise a native language class because of an insufficient number of children or lack of teachers, the school principal shall draw up a list of children who have declared an interest in native language education and present it to the organ operating public school, which shall organise inter-school teams for native language education, taking into consideration transportation possibilities. The number of pupils in such a group cannot be smaller than 3 and not bigger than 20.

## **§ 8**

1. Programs of education, specified in the provisions of framework educational programs, shall apply in the schools with instruction in the native language, as well as the minimal level of command of the native language.

2. In schools with supplementary instruction of the native language in inter-school teams for native language education, the compulsory number of hours for teaching this language is 3.

3. In exceptionally justified cases the organs operating public schools are allowed to increase the number of hours for teaching the minority's native language.

## **§ 9**

In school offering instruction in the native language, teaching of language, history and geography shall be performed on the basis of the programmes accepted for school use by the Minister of National Education.

## **§ 10**

In schools with supplementary program of instruction of the native language and in bilingual schools, the elements of history and geography of the country, from which a specific minority originates, shall be introduced within the framework of compulsory number of hours for realisation of program of such subjects. The pedagogical board shall decide about the choice of the issues in extension of program contents.

## **§ 11**

The school principal may, according to the school's lodging, financial and staffing possibilities, organise other forms of classes with the purpose of supporting the minority's tradition and culture and instruction of the native language or dialect, within the state budget funds allocated to the school.

## **§ 12**

The pedagogical process in the schools for minorities and teaching arts and humanities should serve the purpose of respecting the Polish and global cultural heritage and supporting regional tradition and culture.

### **§ 13**

1. At the request of parents, pupils of nationality other than Polish, learning their native language, may be exempted from the second obligatory foreign language.
2. Pupils of Polish nationality frequenting the schools organising teaching of the minority's native language may – at the request of their parents – learn this language as the obligatory foreign language.
3. Listing student on the course of the minority's native language in the school or inter-school team for native language education is equivalent with accepting this subject as the obligatory one for the pupil, with all consequences resulting from the regulations of granting grades, classification and promotion, and with respect to students of high schools – also from the matriculation examination regulations.

### **§ 14**

In schools with native language instruction, school certificates shall be issued in Polish and in the native language.

### **§ 15**

Graduates of native language schools shall have access to upper-level Polish schools.

### **§ 16**

In realisation of the tasks mentioned in § 1 section 1, the organs operating schools (pre-schools) and principles of such organs shall co-operate with the territorial branches of the minority's social and cultural organisations.

### **§ 17**

Teaching of religion, mentioned in art. 12 section 1 of the Act dated 7 September 1991 on the system of education, is regulated by separate provisions concerning organisation of teaching religion in schools.

### **§ 18**

The Decree No. 67 of the Minister of National Education dated 21 December 1991 on organising teaching of the native language for pupils and students of nationality other than Polish, in elementary schools and comprehensive high schools (Official Journal of the Minister of Education No. 11 Item 69) loses its validity.

### **§ 19**

The Decree becomes effective after 14 days from the announcement

**THE DECREE  
OF THE MINISTER OF NATIONAL EDUCATION  
dated 14 April 1992  
on the Conditions and Method of Organisation of Teaching of Religion  
in Public Pre-schools and Schools  
(Journal of Laws no. 36 Item 155 as amended)**

On the basis of art. 12 section 2 of the Act dated September 7, 1991 on the System of Education (Journal of Laws No. 95 Item 425 and 1992 Journal of Laws No. 26 Item 113), the following is hereby decreed:

### **§ 1**

1. In public pre-schools, teaching of religion is organised within the framework of pre-school curricular classes, shall be organised at request of the parents (legal guardians). In public elementary schools, middle schools, post-elementary and post-middle schools, hereinafter the 'schools', teaching of religion and ethics within the framework of school curricular classes:

- 1) in elementary and middle schools – at request of the parents (legal guardians);



- 2) in post-elementary and post-middle schools – at request of either parents (legal guardians) or students themselves; after becoming of age, students themselves decide about participation in instruction of religion and ethics.
2. The request mentioned in section 1 is expressed in the simplest form of declaration that need not be renewed in each subsequent school year but may be changed.
3. Participating or not participating in pre-school or school instruction of religion or ethics must not be the reasons for discriminating against anybody in any form.

## § 2

1. Pre-school and school shall be obliged to organise classes of religion for groups not smaller than 7 pupils from one class or section (pupils of pre-school group). For smaller number of students in the class or section (pupils of pre-school group), instruction of religion in pre-schools or schools should be organised in inter-sector or inter-class team.
2. If less than 7 pupils apply for teaching of a specific religion or religions in school or pre-school, the organ operating the pre-school or school, in memorandum of understanding with the relevant church or religious association, shall organise teaching of religion in inter-school or external catechetical point. The number of pupils in the group or catechetical point should not be smaller than 3.
3. If students of schools (pupils in pre-school) operated by different organs participate in inter-school or external teams at catechetical point; then such organs shall specify, after reaching an agreement, the principles for groups and catechetical points.
4. In specially justified cases, the organ operating pre-school or school, within the funds at its disposal, may – at the request of the church or religious association – organise teaching of religion of a specific faith in a way different than defined in sections 1-3.
5. Making classrooms available, free of charge, on dates when no classes are held, for catechetical purposes to churches and religious associations is allowed, also in the case of those that do not organise teaching of religion within the framework of the system of education.

## § 3

1. For the students, who express such intention themselves or for whom such intention is declared by their parents (§ 1 section 1), the school shall organise classes of ethics basing on the programs allowed for school use on the conditions defined in art. 22 section 2 point 3 of the Act on the System of Education.
2. Depending on the number of declared students, classes of ethic may be realised on the conditions specified in § 2.
3. The school shall be obliged to guarantee care or pedagogical classes during the period of religion or ethics classes for students who do not learn religion or ethics in the school.

## § 4

Teaching of religion is performed on the basis of the programs prepared and approved by the competent authorities of churches and other religious associations, submitted to the Minister of National Education for information. The same principles are applied with respect to textbooks for teaching religion.

## § 5

1. Pre-school or school employs teacher of religion, external or school's religion instructor (hereinafter "religion teacher") exclusively on the basis of written delegation to the specific pre-school or school, issued by:
  - 1) in the case of Catholic Church – competent diocesan,
  - 2) in the case of other churches or religious associations – competent authorities of those churches and religious associations.
2. Cancellation of the delegation mentioned in section 1 is equivalent with loss of the right to teach religion in the specific pre-school or school. Competent authorities of churches or religious associations shall notify the school or pre-school principal or the organ operating the school or pre-school about cancellation of the delegation. For the period until the end of the school year, the church or religious association may delegate another person for teaching religion, covering all related costs.

3. Religion teacher conducting classes in inter-school or external catechetical point or teaching in a few schools or pre-schools will be employed by the school or pre-school director indicated by the organ operating school or pre-school, mentioned in § 2 section 2, or by the organ indicated in the memorandum of understanding mentioned in § 2 section .
4. Religion teachers shall be employed in accordance with the Teacher's Chart.

## § 6

Professional qualifications of religion teachers are respectively defined by the Conference of Episcopate of the Polish Catholic Church and competent authorities of other churches and religious associations – in agreement with the Minister of National Education.

## § 7

1. Religion teacher shall be a member of the school's pedagogical board, however shall not assume the obligations of class tutor.
2. Religion teacher shall have the right to organise meetings with parents of students, also in addition to the general meetings appointed by school or pre-school, after reaching an agreement with school or pre-school principal concerning date and place of the planned meeting.
3. Religion teacher may operate social, religious and ecumenical organisations on the area of school, on the conditions defined in art. 56 of the Act on the System of Education. Religion teacher is not entitled to additional remuneration for operating organisations.
4. Religion teacher shall have the obligation to complete the class record.
5. Religion teacher teaching in inter-class (inter-sector), inter-school or external catechetical point, shall be obliged to keep a separate class record, containing identical entries as in the school class record.

## § 8

1. Teaching of religion in public pre-schools and schools of all types shall be realised adopting 2 pre-school classes (adequately to given level of teaching) or two class hours per week. This number of hours may be decreased only with consent of the diocesan of the Catholic Church or authorities of other churches or religious associations.
2. School principal shall define the weekly number of hours of classes of ethics.

## § 9

1. Grade for religion or ethics shall be place on school certificates directly after the grade for behaviour. In order to eliminate potential manifestations of intolerance, no information should be placed identifying whether student attended class of (which) religion or ethics.
2. Grade for religion (ethics) has no impact on the student's promotion to next grade.
3. Grade for religion (ethics) is issued according to the scale of grades accepted in the class.
5. Students being taught religion or ethics organised by the organs operating schools in accordance with the principles defined in § 2 sections 2-4 receive grade for religion/ethics on the school certificate issued by their school on the basis of certificate of religion or ethics teacher.

## § 10

1. Students frequenting religion class are granted three subsequent days off from school in order to participate in the Great Lent Retreat provided their religion or denomination impose such obligation on its believers. In such case, the students shall be cared for by the religion teacher. Detailed principles concerning organisation shall be subject to separate arrangements between the parties organising the retreat and the school.
2. School principal should be notified at least one month in advance about the date of retreat.
3. If classes more than one religion are held in the schools, churches and religious associations should attempt to agree the common date for the Great Lent Date.

### § 11

1. Inspectors, appointed by diocesans of the Catholic Church and by competent authorities of other churches and religious associations, shall be entitled to inspect classes of religion. The list of such persons shall be passed to the organs performing pedagogical supervision.
2. Pedagogical supervision over teaching of religion and ethics, in the scope of methodology of teaching and consistence with the program, shall be conducted by school (pre-school) director and employees of pedagogical supervision, on the conditions specified in separate regulations.
3. In justified cases, the applications resulting from conducting pedagogical supervision may be respectively assigned to the Catholic Church diocesan and competent authorities of other churches and religious associations.

### § 12

Crucifix may be placed in school classrooms. Also, prayers before and after the day of classes may be held. Holding prayers in the school should be the expression of common aspirations of students and tact and subtleness on part of teachers and tutors.

### § 13

1. The following legal acts loose their validity:
  - 1) the instruction of the Minister of National Education dated 3 April 1990 on Return of Teaching of Religion to Schools in the School Year 1990/91.
  - 2) the instruction of the Minister of National Education dated 24 August, 1990 on the Principles of Return of Teaching of Religion to Schools in the School Year 1990/91. specifying the principles of co-operation with churches and religious associations other than the Catholic Church.
  - 3) the Decision No. 25 of the Minister of National Education dated 31 August 1991, with reservation of section 2.
2. The recommendations listed in section 1, concerning teaching of religion in pre-schools and guardianship and pedagogical institutions, shall remain in force until the moment of issuing the decrees provided for in the provisions on the relation of the state to churches and other religious associations.

### § 14

The Decree becomes effective fourteen days after publication, except for § 9 which becomes effective on 1 September 1992.

## **DECREE OF THE MINISTER OF EDUCATION dated 21 March 2001**

### **on Conditions and Method of Grading, Classifying and Promoting Students and Listeners and Conducting Examinations and Tests in Public Schools** (Journal of Laws no. 29, item 323 as amended)

On the basis of art. 22 section 2 point 4 of the Act dated 7 September 1991 on the System of Education (1996 Journal of Laws No. 67 Item 329 and No. 106 Item 496, 1997 Journal of Laws No. 28 Item 153 and No. 141 Item 943, 1998 Journal of Laws No. 117 Item 759, No. 162 Item 1126 and 2000 Journal of Laws No. 12 Item 136, No. 19 Item 239, No. 48 Item 550, No. 104 Item 1104, No. 120 Item 1268 and No. 122 Item 1320), the following is hereby decreed:

### § 40

4. Graduates from schools or sectors with instruction of the national minority's native language also pass the matriculation examination in this language, as the obligatory subject, in both internal and external part.

#### **§ 41**

2. Examination in the national minority's native language, provided this language was not taught in the schools or sectors mentioned in § 40 section 4, or from the ethnic group's language, may serve as the matriculation examination in foreign modern language, passed as obligatory subject or optional subject.

#### **§ 42**

Graduates from schools or sectors with instruction of native language of national minority or ethnic group as lecturing language, and graduates from bilingual schools and sectors may pass, during the matriculation examination, subjects in the Polish language, or – with exclusion of the Polish language – respectively in native language of the national minority or ethnic group, or in the given second language being the second language of instruction. Choice of the language of examination shall be performed by the graduate upon the declaration concerning selection of the subject mentioned in § 48 section 1 point 6.

#### **§ 48**

1. Students taking the matriculation examination shall submit the written declaration concerning the listed below issues to the Chairman of the Examination Board mentioned in § 49 section 1, not later than by 30 September of the school year in which they attempt to pass the matriculation examination in spring session and, respectively, by 30 June of the school year preceding the school year in which they attempt to pass the matriculation examination in winter session:

- 2) level of matriculation examination in internal and external part in modern foreign language passed as obligatory subject, and in external part in Polish language, the minority's national language and mathematics;
- 2) optional topic from the modern foreign language passed as obligatory subject if the student selects the extended level of examination, as well as optional topic from the modern foreign language passed as optional subject, and from the Polish language and the national minority's native language in internal part of the matriculation examination, selected from the list of topics mentioned in § 53 section 1 points 1 and 2

#### **§ 53**

1. Teachers of the given subject in the school prepare:

- 1) list of topics from the Polish language, and in the case of schools or sectors with instruction of the national minority's foreign language – also the list of topics from the national minority's foreign language;
- 2) lists of topics from the modern foreign languages passed as optional subject on extended level, and from the modern foreign languages passed as obligatory subject in bilingual schools or sectors, including the languages mentioned in § 41 section 2.

#### **§ 56**

1. Internal part of the matriculation examination in the Polish language and in the national minority's native language lasts around 25 minutes and consists of two parts:

- 1) presentation of the topic selected from the list of topics mentioned in § 53 section 1 point 1;
  - 2) interview with the student with the examiner, related to the presented topic.
2. The presentation mentioned in section 1 point 1 involves discussing the topic selected by the student.
3. The school shall ensure the equipment necessary to make use of the auxiliary materials, prepared by the student, intended for presentation of the topic.
4. Projection of the film or playing recorded statement or music may last up to 5 minutes of the time for presentation.
5. Examiners must not interrupt the student's expression during the part of the examination designated for presentation.
6. The interview mentioned in section 1 point 2 should refer to the presented topic and bibliography used to prepare the topic.

### **§ 61**

Student passed the internal part of the matriculation examination:

- 1) in the Polish language and the national minority's native language, passed as obligatory subject – provided the student obtains minimum 30 points.

### **§ 71**

1. External part of the matriculation examination in the Polish language and the national minority's native language may be passed on two levels.

4. During the examination students may use:

- 2) in the case of examination in the national minority's native language – from language dictionaries.

### **§ 84**

Student passed the external part of the matriculation examination:

- 1) on the basic level in the Polish language and the national minority's native language, modern foreign language or the language mentioned in § 41 section 2, passed as obligatory subject, and mathematics – provided the student obtains minimum 30 points in each of these subjects;
- 2) on the extended level in the Polish language and the national minority's native language, modern foreign language or the language mentioned in § 41 section 2, passed as obligatory subject, and mathematics – provided the student obtains minimum 40 points in each of these subjects on the basic level and minimum 40 points on the extended level.

### **§ 86**

1. Student passed the matriculation examination if, in both internal and external part, in all obligatory subjects on the basic level, and in the case of schools or sectors with instruction of the national minority's native language – also in this language, and in one optional subject, obtained at least the number of points defined in § 61 and § 84.

## *ANNEX NO. 1*

### **CONDITIONS AND METHOD OF CONDUCTING THE MATRICULATION EXAMINATION**

#### **§ 2**

5. Graduates from schools or sectors with instruction in the national minority's native language, in addition to the subjects listed in sections 2 and 4 – also pass the written and oral part of the matriculation examination in the native language.

#### **§ 18**

2. In case of obtaining failed grade from the second subject passed in written part and in the written part of the examination in the national minority's native language, the student taking the examination has the right to the repeat oral examination provided he obtained final annual grades from this subject at least good. Grade from the repeat examination is the final grade from the written part of the matriculation examination in the subject.

**DECREE**  
**OF THE MINISTER OF EDUCATION**  
**dated 27 December 2001**  
**on the Principles of Distribution of Educational Part of the General Subvention for Local Self-**  
**government Organs in 2002**  
(Journal of Laws no. 156, item 1822)

ANNEX NO. 1  
ALGORITHM OF DISTRIBUTION OF EDUCATIONAL PART OF THE GENERAL  
SUBVENTION FOR LOCAL SELF-GOVERNMENT ORGANS IN 2002

2. For each organ of local self-government operating or subsidizing elementary schools, middle schools, post-elementary schools and educational system institutions, total calculative number of students  $U_p$  for model school year is obtained according to the formula below:

*/in original text incorrect formula/*

where the symbols have the following meaning:

$U_p$  – total calculative number of students;

$U_{p,i}$  – calculative number of students in  $i^{\text{th}}$  organ of local self-government, taking into consideration the index  $i = 1-2.489$  for municipalities (including “municipal” part of towns with county rights),  $i = 2.490-2.552$  for towns with county rights,  $i = 2.555-2.869$  for other counties,  $i = 2.870-2.885$  for self-governments of voievodships, for model school year;

$U_{r,i}$  – statistical number of students, determined on the basis of reports of the Central Statistical Office (GUS) for model school year preceding the budget year:

- for students of schools and public institutions for youth –  $1.0 U_r$
- for students of public schools for adults –  $0.7 U_r$
- for students of non-public schools for adults –  $0.35 U_r$
- for students of non-public schools for youth –  $1.0 U_r$

$U_{u,i}$  – supplementary number of students in model school year preceding the budget year, for tasks in the field of schooling, calculated according to the formula:

$$U_{u,i} = P_1 * N_{1,i} + P_2 * N_{2,i} + \dots + P_{21} * N_{21,i}$$

where:

$P_1$  to  $P_{21}$  denote weights

$N_1$  to  $N_{21}$  denote the assigned to weights numbers of students in local self-government organ with the index  $i = 1-2.885$ , defined as follows:

$P_{13} = 0.20$  for students of class/schools for national minorities and ethnic groups –  $N_{13,i}$

$P_{14} = 0.50$  for students of class/schools for national minorities and ethnic groups, in which native language of national minority or ethnic group is the basic language of teaching and in which the number of students in the school does not exceed 41 –  $N_{14,i}$  (weights  $P_{14}$  and  $P_{13}$  are mutually exclusive).

REGULATIONS CONTAINED IN THE CODES

**THE ACT**  
**dated 23 April 1964**  
**The Civil Code**  
(Journal of Laws no. 16, item 93 as amended)

**Art. 23.**

Human personal goods – in particular health, freedom, honour, freedom of conscience, surname or pseudonym, image, secrecy of correspondence, inviolability of apartment, scientific, artistic, inventing

and rationalising creativity – shall be protected by the civil law regardless of the protection provided for in other regulations.

**THE ACT**  
**dated 17 November 1964**  
**The Civil Code**  
(Journal of Laws no. 43, item 296 as amended)

**Art. 256.**

The court may require translating the document in foreign language by sworn translator.

**Art. 265.**

§ 1. The court may summon an interpreter for the purpose of hearing of witness who does not have sufficient command of the Polish language.

**THE ACT**  
**dated 6 June 1997**  
**The Penal Code**  
(Journal of Laws no. 88, item 553 as amended)

**Art. 57.**

§ 1. In the event of the concurrence of several independent grounds for the extraordinary mitigation or enhancement of a penalty, the court may mitigate or enhance the penalty only once, considering jointly the concurrent grounds for mitigation or enhancement.

§ 2. In the event of the concurrence of the grounds for extraordinary mitigation and enhancement, the court may adopt an extraordinary mitigation or enhancement of the penalty.

**Art. 118.**

§ 1. Whoever, acting with an intent to destroy in full or in part, any ethnic, racial, political or religious group or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group;  
shall be subject to the penalty of deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever, with the intent specified under § 1, creates, for persons belonging to such a group, living conditions threatening its biological destruction, applies means aimed at preventing birth within this group, or forcibly removes children from persons constituting it;  
shall be subject to the penalty of deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years.

**Art. 119.**

§ 1. Whoever uses violence or makes unlawful threats towards a group of persons or a particular individual because of their national, ethnic, political or religious affiliation, or because of their lack of religious beliefs;

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone who incites commission of the offence specified under § 1.

**Art. 194.**

Whoever restricts another person from exercising the rights vested in the latter, for the reason of this person's affiliation to a certain faith or religious indifference;  
shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

**Art. 195.**

§ 1. Whoever maliciously interferes with a public performance of a religious ceremony of a church or another religious association with regulated legal status shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites.

**Art. 196.**

Whoever offends the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites; shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

**Art. 256.**

Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reasons of lack of any religious denomination; shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

**Art. 257.**

Whoever publicly insults a group within the population or a particular person because of his national, ethnic, race or religious affiliation or because of his lack of any religious denomination, or for these reasons breaches the personal inviolability of another individual; shall be subject to the penalty of deprivation of liberty for up to 3 years.

**THE ACT**

**dated 6 June 1997**

**The Code of Criminal Procedure**

(Journal of Laws no. 89, item 555 as amended)

**Art. 72.**

When the accused does not have a command of the Polish language, the order of presentation of charges, the indictment or a decision subject to review, or a decision concluding the proceedings shall be delivered to the accused with a translation. If the accused consents, the decision concluding the proceedings may only be announced to him, providing it is not subject to review.

**Art. 204.**

§ 1. An interpreter shall be summoned whenever it is necessary to examine:

1) a deaf or dumb person, with whom attempts at communicating with in writing have not sufficed;

2) a person without a command of the Polish language.

§ 2. An interpreter shall be summoned whenever it is necessary to translate into the Polish language a document written in a foreign language, or to translate a Polish document into a foreign language.

§ 3. Provisions related to court experts shall be applied to interpreters accordingly.

**Art. 407.**

At least summary of the speeches should be translated for the accused without a command of the Polish language.



**THE ACT**  
**dated 14 June 1960**  
**The Code of Administrative Procedure**  
(uniform text: 2000 Journal of Laws no. 98, item 1071 as amended)

**Art. 69.**

§ 1. Transcript of testimony should be read and submitted for signing by the person offering testimony immediately after providing testimony.

§ 2. Transcripts of testimony which was offered in a foreign language must include the identity and address of the interpreter who rendered the translation; the interpreter must also sign the court transcript.

**THE ACT**  
**dated 26 June 1994**  
**The Labour Code**  
(uniform text: 1998 Journal of Laws no. 21, item 94 as amended)

**Art. 11<sup>3</sup>.**

Any discrimination in labour relations, in particular because of sex, age, disability, race, nationality, beliefs, in particular political or religious beliefs, as well as trade union membership, is prohibited.

*REGULATIONS CONTAINED IN BILATERAL AGREEMENTS*

AGREEMENTS CONCLUDED WITH THE REPUBLIC OF BELARUSSIA

**Treaty between the Republic of Poland and the Republic of Belarussia on Good  
Neighbourliness and Friendly Co-operation**  
**dated 23 June 1992**  
(1993 Journal of Laws no. 118, item 527)

**Art. 13.**

The Contracting Parties undertake to respect international principles and standards concerning protection of rights of minorities, in particular those contained in international pacts on human rights, the Final Act of the Conference on Security and Co-operation in Europe, the Document of the Copenhagen Meeting on the Human Dimension and the Charter of Paris for a New Europe.

**Art. 14.**

1. The Contracting Parties confirm that persons belonging to the Polish national minority in the Republic of Belarussia and persons belonging to the Belarussian national minority in the Republic of Poland shall have the right, individually or together with other members of their group, to freely retain, develop and express their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law.

2. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences.

**Art. 15.**

The Contracting Parties guarantee that the persons mentioned in article 14 shall have, in particular, the right, individually or together with other members of their group:

- to use freely the native language in private and public life, to have access to information in this language, to disseminate and exchange such information and to use their names and surnames in the wording accepted in the native language;
- to establish and operate own educational, cultural and other institutions, organisations and associations that would be eligible for voluntary financial assistance or other assistance, including

assistance from public funds, in accordance with the national law, to have access to mass media and to participate in activities of international non-governmental organisations;

- to confess and practice their religion, including to acquire and use religious materials and to conduct educational activities in the field of religion in its native language;
- to establish and to maintain undisturbed trans-border contacts with citizens of other states sharing their ethnic or national origin, cultural heritage or religious beliefs;
- to make use of legal means provided for in the internal regulations of the State of residence, for the purpose of realising and protecting their rights.

#### **Art. 16.**

1. The Contracting Parties shall develop constructive co-operation in the scope of protection of rights of persons belonging to national minorities, treating them as the factor strengthening mutual understanding and neighbourly relations between the Polish and the Belarussian nations.

2. The Contracting Parties, in realisation of regional development, shall take into consideration social and economic interests of the persons mentioned in art. 14 and their organisations and associations.

3. The Contracting Parties shall attempt to provide the persons mentioned in art. 14 with adequate opportunities of learning their native language or instruction in this language in educational institutions and, where possible and necessary, using their native language in contacts with public authorities. In educational programs, history and culture of national minorities shall be taken into account more extensively in the educational institutions frequented by the persons mentioned in art. 14.

4. The Contracting Parties shall respect the right of the persons mentioned in art. 14 to participate in public affairs, in particular in the field of protection and strengthening their identity, and, when needed, shall conduct consultations with organisations or associations grouping these persons.

#### **Art. 17.**

The Contracting Parties agree that the persons mentioned in art. 14 should observe legal regulations of the state of their residence.

### **Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarussia on Co-operation in the Area of Culture, Science and Education dated 27 November 1995**

(1996 Journal of Laws no. 76, item 365)

#### **Art. 13.**

The Contracting Parties shall provide persons belonging to the Polish national minority in the Republic of Belarussia and to the Belarussian national minority in the Republic of Poland with the conditions that favour retaining, developing and expressing their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law. The Contracting Parties, within the framework of their internal legal regulations, shall comprehensively support activities of social, educational and cultural organisations of the mentioned above persons and shall create the conditions allowing them to obtain financial assistance from the territory of the State of the other Contracting Party.

#### **Art. 14.**

Each Contracting Party, in accordance with its internal legal regulations, shall provide the persons mentioned in art. 13 of this Agreement with conditions for instruction of the native language. For this purpose, each of the Contracting Parties:

- shall provide the interested persons, on a voluntary basis, with the access to instruction of the native language and instruction in the native language in pre-schools, elementary schools and high schools, in educational systems of the Republic of Poland and the Republic of Belarussia, and shall also undertake actions aiming at offering the opportunity of university education in the native language;

- shall favour teaching and improvement in the quality of teaching of language, history and culture of the other Contracting Party at all levels of education outside the state education system;
- shall provide relevant vocational training and skill improvement programs for teachers from the national minority schools;
- shall offer, following obtaining mutual consents, the opportunity of employment to the teachers delegated to schools by the other Contracting Parties.

## **AGREEMENT**

### **between the Government of the Republic of Poland and the Government of the Republic of Belarussia on the Protection of Graveyards and Memorial Sites of Victims of Wars and Repression of 21 January 1995**

(1997 Journal of Laws no.32, item 185)

The Government of the Republic of Poland and the Government of the Republic of Belarussia, hereinafter the Parties,

- acting in the interest of both Nations and their mutual understanding,
  - wishing to commemorate, with due respect, memorial sites and final resting places of soldiers and civilians died, killed and murdered as a result of struggle for independence, warfare or repression, which are located on the territories of Poland and Belarussia,
  - considering the provisions of article 25 of the Treaty between the Republic of Poland and the Republic of Belarussia on Neighbourliness and Friendly Co-operation of 23 June 1992,
  - following the respective provisions of the Geneva Conventions on the Protection of War Victims of 12 August 1994 and Additional Protocols thereto,
- have agreed as follows:

#### **Article 1**

In this Agreement the following expressions shall have the following meaning:

“memorial sites and final resting places” shall mean places connected with struggle for independence, warfare or repression,

“arrangement of memorial sites and final resting places” shall mean fixing of their limits, raising of tombstones, monuments and commemorating burial places and displaying of commemorative plaques,

“preservation of memorial sites and final resting places” shall mean maintenance, in due order, of graves, tombstones, monuments, commemorating burial places and commemorative plaques.

#### **Article 2**

1. This agreement shall govern the Parties’ co-operation in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and final resting places – Polish ones in the Republic of Belarussia and Belarussian ones in the Republic of Poland – of soldiers and civilians died, killed or murdered as a result of struggle for independence, warfare or repression. The provisions of this agreement shall apply to the matters related to the exhumation of remains of the dead and their repeated burial with due respect.

2. The Parties shall exchange any information they may have relating to the location of memorial sites and final resting places, their number and size and personal data of the dead, killed and murdered as well as any other information relating to those persons, connected with the realisation of this agreement. Each Party shall prepare and submit to the other Party, lists of all memorial sites and final resting places.

3. In the case of identification of new memorial sites and final resting places, the Party on whose territory they are located, shall undertake immediate measures aimed at their protection. Such places, against the Parties’ mutual agreement, shall be included in the lists, referred to in section 2 of this article.

### **Article 3**

1. Each Party, on the territory of its state, shall ensure the preservation of the memorial sites and final resting places of persons listed in section 1 of article 2 in accordance with the relevant provisions of the Geneva Conventions on the Protection on War Victims and Additional Protocols thereto.
2. Each Party shall immediately inform the other Party about any cases of desecration, damage or destruction of memorial sites and final resting places and shall undertake immediate measures aimed at restoring due order in those places, punishing the perpetrators and preventing of similar acts in the future.
3. The Parties shall endeavour to remove from the area surrounding the memorial sites and final resting places of all objects in disaccord with the noble character of such places.
4. With the Parties' consent, the method of arrangement and preservation of memorial sites and final resting places may be further agreed upon. Apart from the already existing one, other forms of commemorating the dead, killed and murdered may be used.
5. In the fulfilment of their undertakings referred to in this article, the Parties shall take account of national and religious traditions.

### **Article 9**

1. Citizens of the state of the one Party shall be ensured free access to the memorial sites and final resting places located on the territory of the other Party.
2. Each Party shall facilitate the visiting of those places, especially on days of major holidays and anniversaries, by persons wishing to commemorate the dead, killed and murdered.

## **AGREEMENTS CONCLUDED WITH THE CZECH AND SLOVAKIAN FEDERAL REPPUBLIC**

### **Treaty between the Republic of Poland and the Czech and Slovak Federation Republic on Good Neighbourliness, Solidarity and Friendly Co-operation dated 6 October 1991**

(1992 Journal of Laws no. 59, item 296)

### **Art. 8.**

1. The Contracting Parties confirm that persons belonging to the Czech and Slovak national minority in the Republic of Poland and persons belonging to the Polish national minority in the Czech and Slovakian Federation Republic shall have the right, individually or together with other members of their group, to freely express, retain and develop their ethnic, cultural, linguistic and religious identity, and to develop their culture in all directions, without any attempts at assimilation against their will. The Contracting Parties shall respect the rights and fulfil the obligations concerning national minorities in accordance with the international standards, in particular the European standards.
2. The Contracting Parties declare that the persons mentioned in section 1 of this article shall have, in particular, the right, individually or together with other members of their group:
  - to use freely the native language in private and public life, and – in addition to the need to have command of the official language or official languages of the given State – to use the native language in state offices in accordance with the domestic legal regulations;
  - to have access to information in this language, to disseminate and exchange such information;
  - to adequate possibilities of instruction of the native language and teaching in the native language;
  - to establish and operate own economic, educational, cultural and religious institutions, organisations and associations.
3. Belonging to a national minority is a matter of individual choice of each citizen. This choice may not involve any negative consequences.
4. Belonging to a national minority does not release the citizen from the obligation to act with loyalty with respect to its State, to observe its legal regulations and to exercise their rights in accordance with the domestic legal regulations.

**Agreement between the Government of the Republic of Poland and the Government of the Czech and Slovakian Federation Republic on Cultural and Scientific Co-operation dated 16 September 1991**

(1992 Journal of Laws no. 42, item 184)

**Art. 6.**

The Contracting Parties shall guarantee free cultural development of the Polish national minority in the Czech and Slovakian Federation Republic and of the Czech and Slovak national minority in the Republic of Poland.

Each of the Contracting Parties, in accordance with its legal regulations, shall guarantee in particular:

- a) that the rights and obligations of persons belonging to the national minority are equal to the rights and obligations of other citizens;
- b) that the persons belonging to the national minority may retain and develop its own culture in various aspects, including language, literature, religion and preserving the cultural and historical heritage of its nation, and may participate in instruction in the native language;
- c) operation of schools with native languages of the other Contracting Party, with the possibility of employing in them Polish teachers in the Czech and Slovakian Federation Republic and Czech and Slovak teachers in the Republic of Poland, according to the need of the Party receiving teachers;
- d) that the persons belonging to the national minority have the opportunity to learn or receive education on their own culture, including transmission of language, religion and cultural identity;
- e) that the persons belonging to the national minority have the opportunity to disseminate, have access to and exchange information in its native language;
- f) possibility of operation of social and cultural organisations of the national minorities, including in particular publishing and press activities in their languages through creating the adequate formal and legal conditions and financial support.

**Art. 7.**

The Contracting Parties shall support teaching and popularisation of the language or languages and literature of the other State, and, for this purpose, they shall provide comprehensive assistance in teaching these languages in schools, at universities and cultural and educational institutions, and shall support operation of the faculties and teaching programs in Polish, Czech and Slovak languages at their universities.

The Contracting Parties shall support exchange programs for pupils, students, lecturers, teachers, language instructors and scientists in the areas of the Polish, Czech and Slovak literature and language, as well as exchange and training programs for translators.

The Contracting Parties shall support projects of joint preparation of scientific aid tools, including dictionaries, organising language courses and seminars, joint research in the scope of Polish, Czech and Slovak language and literature studies and publishing and exchange of literature and scientific studies in these areas.

**AGREEMENTS CONCLUDED WITH THE REPUBLIC OF LITHUANIA**

**Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Co-operation dated 26 April 1994**

(1995 Journal of Laws no. 15 Item 71)

**Art. 13.**

1. The Contracting Parties undertake to respect international principles and standards concerning protection of rights of national minorities, in particular those contained in the Universal Declaration of Human Rights, international pacts concerning human rights, relevant documents of the Conference on

Security and Co-operation in Europe and in the European Convention on Human Rights and Fundamental Freedoms, together with supplementary protocols accepted by both parties.

2. The persons belonging to the Polish minority in the Republic of Lithuania, i.e. persons with the Lithuanian citizenship, being of Polish origin or declaring Polish nationality, culture or tradition and regarding the Polish language as the native language, as well as the persons belonging to the Lithuanian minority in the Republic of Poland, i.e. persons with the Polish citizenship, being of Lithuanian origin or declaring Lithuanian nationality, culture or tradition and regarding the Lithuanian language as the native language, shall have the right, individually or together with other members of their group, to freely retain, develop and express their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law.

3. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences. Nobody may be forced to prove his/her nationality or to renounce it.

#### **Art. 14.**

The Contracting Parties declare that the persons mentioned in article 13 section 2 shall have, in particular, the right:

- to use freely the native language in private and public life;
- to have access to information in this language, to disseminate and exchange such information and to hold their own mass media;
- to learn the national minority's native language and to receive instruction in this language;
- to establish and operate, in accordance with the national law, the minority's own institutions, organisations and associations, in particular cultural, religious and educational institutions, organisations and associations, including schools of all levels, that would be eligible for voluntary financial assistance, both domestic and foreign, and assistance from public funds, and to participate in activities of international non-governmental organisations;
- to confess and practice their religion, including to acquire, hold and use religious materials and to conduct educational activities in the field of religion in its native language;
- to establish and to maintain undisturbed relations within the minority inside the State, as well as trans-border contacts with citizens of other states sharing their national origin;
- to use their names and surnames in the wording accepted in the national minority's native language; detailed regulations concerning spelling of names and surnames shall be defined in a separate agreement;
- to participate in public life directly or through its freely elected representatives on the levels of central and local authorities, and to be allowed to public service on equal footing with other citizens.

#### **Art. 15.**

The Contracting Parties shall protect, on their territories, the national, cultural, linguistic and religious identity of the persons mentioned in art. 13 section 2 and shall create the conditions of its development.

In particular, the Parties:

- shall take into consideration allowing the use of languages of national minorities in contacts with the offices, especially in those administrative and territorial entities in which the national minority constitutes a large proportion of population;
- shall ensure the national minority's access to public mass media;
- shall ensure the adequate opportunities of learning the national minority's native language and receiving instruction in this language in pre-schools, elementary and high schools;
- shall take necessary actions in the field of protection of identity of the national minority, after consultations, including contacts with the organisations or associations of groups mentioned in art. 13 section 2;
- shall take into consideration the history and culture of the groups mentioned in art. 13 section 2 in connection with teaching history and culture in educational institutions;
- shall refrain from any actions that might lead to assimilation of members of the national minority against their will, and – in accordance with the international standards, shall refrain from the

actions that would lead to changes as far as nationality is concerned on the areas inhabited by the national minorities.

**Art. 16.**

1. No provision included in art. 14 may be interpreted as conferring the right to conduct any activity or to perform any acts incompatible with the Charter of the United Nations, the rules of international law, in particular with the principle of respect for territorial integrity of the state and the documents of the Conference on Security and Co-operation in Europe.
2. Each person belonging to the Polish national minority in the Republic of Lithuania and to the Lithuanian national minority in the Republic of Poland should be loyal with respect to the state of residence, similarly like all other citizens, acting in response to the duties resulting from legal regulations of this state.

**Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Co-operation in the Area of Culture, Science and Education dated 17 December 1998**

**Art. 9.**

The Contracting Parties shall provide persons belonging to the Polish national minority in the Republic of Lithuania and to the Lithuania national minority in the Republic of Poland with the conditions that favour retaining, developing and expressing their ethnic, cultural, linguistic and religious identity.

For this purpose, the Contracting Parties, each on its own territory, shall support activities of educational and cultural institutions and social organisations of the national minority and shall favour preserving cultural links with their compatriots on the territory of the other State.

The Contracting Parties, each on its own territory, shall provide the mentioned above persons with access to the public mass media, and, on a voluntary basis, access to education in the national minority's native language on pre-school level and level of elementary and high school.

The Contracting Parties shall ensure training and supplementary training for teachers for the national minority schools, the possibility of employment in the national minority schools of teachers delegated by the other Party, the possibility of popularisation of knowledge of the native language, history, geography and culture of the national minority and improvement of the quality of teaching these subjects. The Contracting Parties shall co-operate in the field of preparing school curriculum and textbooks for the Polish language and literature, history and geography of Poland for elementary and high schools with the Polish language of instruction in Lithuania, as well as school curriculum and textbooks for the Lithuanian language and literature, history and geography of Lithuania for elementary and high schools with the Lithuanian language of instruction in Poland

**Memorandum of Understanding between the Ministry of National Education of the Republic of Poland and the Ministry of Culture and Education of the Republic of Lithuania in the field of Schooling and Higher Education of 21 February 1992**

The Ministry of National Education of the Republic of Poland and the Ministry of Culture and Education of the Republic of Lithuania, hereinafter "the parties",

Basing on best traditions of neighbourliness of the Polish and Lithuanian states and in their endeavours to ensure better mutual understanding, in the development of co-operation based on mutual respect, non-intervention in the field of schooling and higher education of the other party,

Convinced that difficult and sometimes dramatic historic legacy of the Polish and Lithuanian nations should not hinder the bilaterally beneficial co-operation based on equality of rights,

Considering that co-operation of Poland and Lithuania in the field of schooling and higher education is of particular importance in straightening the friendship of the Polish and Lithuanian nations and enriches their culture,

Assuming that schooling and higher education of national minorities are an integral part of education systems of both parties and are regulated by the laws of each party,  
Have agreed as follows:

#### **Art. 1**

The Parties shall, within the scope of their rights and possibilities and acting in accordance with the laws of the Republic of Poland and the Republic of Lithuania, expand co-operation in the field of education, comprising various forms and level of instruction of children and youth and additional training of teachers.

The Parties shall endeavour to ensure that children of the Lithuanian minority domiciled in Poland and children of the Polish minority domiciled in Lithuania are provided the conditions to receive instruction in their native language, to learn their culture, traditions and history of their nation, and to master the official language of the country of domicile, learn its culture and history and become their rightful and loyal citizens.

The Parties shall, under their respective laws, grant to their non-public primary and secondary schools with instruction in the Polish language in Lithuania and in the Lithuanian language in Poland, the right to deliver certificates. Such school leaving documents shall have the same force and effect as documents delivered by public schools provided the level of education in non-public schools meets the requirements of national education standards.

The Parties shall examine the issue of instruction in the Polish language at colleges and universities in Lithuania and in the Lithuanian language at colleges and universities in Poland.

#### **Art. 4**

3. In accordance with their laws, the parties shall assist each other in the organisation of work of primary and secondary schools with instruction in the Polish language in Lithuania and in the Lithuanian language in Poland. This assistance shall apply, in particular, to the exchange programme of students and teachers of those schools and will enable to use the textbooks prepared jointly and approved by the parties.

### **Programme of co-operation between the Ministry of National Education of the Republic of Poland and the Ministry of Education and Science of the Republic of Lithuania for the years 1998-2001 of 16 November 1998**

#### **Art.1**

The Parties shall exchange information relating to education systems of their countries, plans of development and directions of reform as well as normative acts in the field of education.

#### **Art. 2**

The Parties shall support direct co-operation between schools of all levels, in particular, on border areas. This co-operation shall be co-ordinated by local education authorities. Conditions of exchange programmes shall be agreed each time by partners.

#### **Art. 3**

The Parties shall, as far as possible, offer teaching guidance to schools and pre-schools where instruction of the language of the other Party and instruction in the language of the other Party is provided which are located on the territory of the other country.

#### **Art. 4**

The Parties shall co-operate to prepare textbooks with curriculum of instruction of the Polish language and literature, history and geography of Poland for schools with the Polish language of instruction in Lithuania as well as textbook with curriculum of instruction of the Lithuanian language and literature, history and geography of Lithuania for schools with the Lithuanian language of instruction in Poland.



#### **Art. 6**

1. The Parties shall continue to organise in both countries, additional training courses for teachers of native languages – Polish language in schools in Lithuania and Lithuanian language in schools in Poland. The Parties shall recognise qualifications acquired in this way.
2. The Parties shall annually agree subjects whose teachers will be sent and admitted to additional training courses in both countries.

#### **Art. 15**

Bilateral Commission charged with examining the problems of history teaching shall extend its works by including geography and literature curriculum. For this purpose, the Parties shall appoint experts in these fields to the Polish and Lithuanian part of the Commission.

Meetings of the Commission shall be held in accordance with the Protocol of the Ministry of National Education of the Republic of Poland and the Ministry of Culture and Education of the Republic of Lithuania signed on 21 February 1992 in Vilnius.

### **AGREEMENTS CONCLUDED WITH THE FEDERAL REPUBLIC OF GERMANY**

#### **Treaty between the Republic of Poland and the Federal Republic of Germany on Good Neighbourliness and Friendly Co-operation**

**dated 17 June 1991**

(1992 Journal of Laws no. 14, item 56)

#### **Art. 20.**

1. Members of the German minority in the Republic of Poland, i.e. persons with the Polish citizenship, being of German origin or declaring German language, culture or tradition, as well as the persons belonging to the Polish minority in the Federal Republic of Germany, i.e. persons with the German citizenship, being of Polish origin or declaring Polish language, culture or tradition, shall have the right, individually or together with other members of their group, to freely express, retain and develop their ethnic, cultural, linguistic and religious identity, without any attempts made at their assimilation against their will. The said minority members shall have the right to exercise, fully and effectively, human rights and fundamental freedoms without any discrimination and in conditions of full equality before the law.

2. The Contracting Parties are realising the rights and obligations in accordance with the international standards concerning minorities, in particular in accordance with the United Nations Universal Declaration of Human Rights dated 10 December 1948, the European Convention on Human Rights and Fundamental Freedoms dated 4 November 1950, the Convention on Elimination of All Forms of Racial Discrimination dated 7 March 1966, the International Pact on Civil and Political Rights dated 16 December 1966, the Final Act of the Conference on Security and Co-operation in Europe dated 1 August 1975, the Document of the Copenhagen Meeting on the Human Dimension of the Conference on Security and Co-operation in Europe dated 29 June 1990, as well as the Charter of Paris for a New Europe dated 21 November 1990.

3. The Contracting Parties guarantee that the persons mentioned in section 1 shall have, in particular, the right, individually or together with other members of their group:

- to use freely the native language in private and public life, to have access to information in this language, to disseminate and exchange such information;
- to establish and operate own educational, cultural and religious institutions, organisations and associations that would be eligible for voluntary financial assistance or other assistance, including assistance from public funds, in accordance with the national law, and to have equal access to mass media in its region;
- to confess and practice their religion, including to acquire, hold and use religious materials and to conduct educational activities in the field of religion in its native language;
- to establish and to maintain undisturbed relations within the minority inside the State, as well as trans-border contacts with citizens of other states sharing their ethnic or national origin, cultural heritage or religious beliefs;

- to use their names and surnames in the wording accepted in the native language;
  - to establish and operate organisations or associations inside their state, and to participate in activities of international non-governmental organisations;
  - to make use, on equal footing with other citizens, of the effective legal means aimed at exercising their rights, in accordance with the internal legal regulations.
4. The Contracting Parties confirm that belonging to the groups mentioned in section 1 is a matter of individual choice made by persons and may not involve any negative consequences.

#### **Art. 21.**

1. The Contracting Parties shall, on their territories, shall protect ethnic, cultural, linguistics and religious identity of the groups mentioned in art. 20 section 1 and shall create conditions to strengthen this identity. The Parties understand the special significance of constructive co-operation in this area. Such co-operation should strengthen peaceful cohabitation and good neighbourliness of the Polish and German nations and be helpful in reaching an understanding and reconciliation.
2. The Contracting Parties, in particular:
  - within the framework of the effective acts, shall enable and facilitate undertaking the actions aimed at supporting members of the groups mentioned in art. 20 section 1 or their organisations;
  - despite the necessity of learning the official language of the relevant State, shall undertake acts, in accordance with the internal legal regulations, aiming at providing members of the groups mentioned in art. 20 section 1 with the adequate opportunities of instruction of their native language or of receiving instruction in their native language, in public educational institutions and also, when needed and necessary, of using the native language in contacts with public authorities;
  - shall take into consideration history and culture of the groups mentioned in art. 20 section 1 in connection with teaching of history and culture in educational entities;
  - shall respect the right of members of the groups mentioned in art. 20 section 1 to effectively participate in public affairs, including participation in the matters related to protection of national minorities and supporting their identity;
  - shall undertake necessary actions in this purpose, after adequate consultations and in accordance with the procedure of taking decisions in the given State, including contacts with organisations or associations of the groups mentioned in art. 20 section 1.
2. The Contracting Parties shall apply the provisions of art. 3 with reference to the matters defined in this article and in articles 20 and 22.

#### **Art. 22.**

1. No obligation under art. 20 and 21 may be interpreted as involving the right to engage in any activity or to undertake any actions incompatible with the Charter of the United Nations, other obligations resulting from the international law, or incompatible with the provisions of the Final Act of the Conference on Security and Co-operation in Europe, including the principle of territorial integrity of states.
2. Each person belonging in the Republic of Poland or in the Federal Republic of Germany to the groups mentioned in art. 20 section 1 shall be obliged, in accordance with the above provisions, to act with loyalty with respect to the State of residence, bearing in mind the obligations resulting from the internal legal regulations effective in this State.

### **Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cultural Co-operation of 14 July 1997**

(1999 Journal of Laws no. 39, item 379)

#### **Art. 4**

1. The Contracting Parties shall endeavour to provide all interested persons with wide access to the culture, language, literature and history of the other country. With this aim, they shall support state and non-state initiatives and institutions.

The Contracting Parties shall make all necessary efforts to enable, expand and favour projects aimed at supporting, in their respective countries, instruction and propagation of the language of the other country in colleges and universities, schools and other educational institutions as well as within the framework of non-school forms of language instruction.

The Contracting Parties shall encourage the creation of bilingual schools and classes, especially in border areas.

The Contracting Parties shall endeavour to extend the possibilities of taking up the studies of the Polish language and literature and the studies of the German language and literature at colleges and universities of both countries.

2. The Contracting Parties shall enable and facilitate in their respective countries the execution of supporting projects of the other Party, in particular such projects as:

- a) delegating teachers, language teachers and counsellors – consultants,
- b) participation of teachers and students in training courses and additional training courses organised by the other Party, as well as exchange of experience in the field of modern methods and techniques of foreign language teaching,
- c) circulation of textbooks and teaching materials and resources and co-operation in the preparation of textbooks,
- d) use of possibilities provided by the radio and television to learn and promote the language of the other Contracting Party.

#### **Art. 5**

Within the framework of their co-operation, the Contracting Parties shall endeavour to present history, geography and culture of the other country in their textbooks in such a way as to favour their better mutual understanding and knowledge; they shall encourage to take account of the recommendations of the Independent Polish and German Commission for School Textbooks.

#### **Art. 6**

The Contracting Parties shall support co-operation, in all forms and at all levels, in the field of science, schooling and education, in particular, in the domain of colleges and universities and scientific organisations, comprehensive schools and vocational schools, organisations and institutions of non-school education and further education for adults, school system administration and vocational training and other educational and scientific institutions.

The Parties shall encourage institutions operating in those fields in their respective countries to:

- 1) develop co-operation in all the fields being the object of common interest;
- 2) establish partnership relations between colleges and universities and other scientific and educational institutions of both countries,
- 3) carry out joint educational and research projects,
- 4) delegate persons for the purpose of exchanging information and experience and participation in conference and scientific symposia,
- 5) carry out exchange programmes of scientists, post-graduate students, administration officials of colleges and universities, teachers, instructors, students and pupils under scientific grants and scholarships,
- 6) exchange scientific, pedagogical and didactical literature, teaching materials, informative materials and didactical and scientific film as well as organise specialised exhibitions.

#### **Art. 12.**

The Contracting Parties shall support direct contacts between social groups and associations, such as: trade unions, cultural associations, creative unions, churches, religious associations and non-governmental foundations and organisations, and shall encourage realisation of projects aimed at the purposes of this Agreement.

## AGREEMENTS CONCLUDED WITH THE RUSSIAN FEDERATION

### **Treaty between the Republic of Poland and the Russian Federation on Neighbourly and Friendly Co-operation dated 22 May 1992 (1993 Journal of Laws no. 61, item 291)**

#### **Art. 16.**

1. The Contracting Parties undertake to follow the internationally accepted standards, concerning the guarantee of observance of human rights and rights of national minorities, in particular those contained in international pacts on human rights, the documents of the Conference on Security and Co-operation in Europe, in particular related to human dimension.
2. The Parties believe that freedom of confession is one of the fundamental human rights and shall apply this principle, guaranteeing, in accordance with the effective legislation, the citizens of the Republic of Poland being of Russian origin and the citizens of the Russian Federation being of Polish origin, regardless of their nationality and confession, the right of free access to the objects and places of the religious cult and the right to religious education and upbringing.
3. The Parties shall assist the citizens of the Republic of Poland being of Russian origin and the citizens of the Russian Federation being of Polish origin in retaining and propagating their ethnic identity, own culture and teaching the native language on pre-school and school level.

### **Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Co-operation in the Area of Culture, Science and Education dated 25 August 1993 (1994 Journal of Laws no. 36, item 133)**

#### **Art. 13.**

The Parties shall support the actions aimed at retaining and developing the ethnic, cultural, linguistic and religious identity of Poles resident in Russia and representatives of nations and ethnic groups of the Russian Federation resident in Poland.

For this purpose, the Parties shall support maintaining contacts of cultural minorities with their ethnic fatherland, preserving tradition, ensuring the opportunity of free contacts, including journey to the ethnic fatherland. The Parties shall provide comprehensive support for operations of social and cultural organisations of national minorities, and, within the framework of the internal legal regulations, shall enable them to receive financial assistance from the ethnic fatherland.

### **MEMORANDUM OF UNDERSTANDING on Co-operation between the Minister of National Education of the Republic of Poland and the Ministry of Education of the Russian Federation for years 1994-1999 dated 24 February 1994**

#### **Art. 11.**

The Parties shall provide necessary assistance in propagation of knowledge of the native language and in improving the quality of teaching on all levels of the educational system (pre-school education, preliminary education, elementary education, post-elementary education, university pedagogical studies) among Russian citizens being of Polish origin resident in the Russian Federation and the Polish citizens being of Russian origin resident in the Republic of Poland.

#### **Art. 13.**

In accordance with the Act on the system of education of the Republic of Poland and the Act on the system of education of the Russian Federation, the Parties shall support educational needs of the Polish citizens being of Russian origin and the Russian citizens being of Polish origin. For this purpose, the Parties shall provide support to the local educational organs in inviting and employing, in

schools and pre-schools of the Russian Federation in which the Polish language is being taught as the native language, teachers and pre-school instructors from Poland, and in schools and pre-schools in which the Russian language is being taught as the native language, teachers and pre-school instructors from the Russian Federation.

**AGREEMENT**  
**between the Government of the Republic of Poland and the Government of the Russian**  
**Federation the Protection of Graveyards and Memorial Sites of Victims of Wars and Repression**  
**of 22 February 1994**  
(Journal of Laws no. 112, item 543)

The Government of the Republic of Poland and the Government of the Russian Federation, hereinafter the Parties,

considering the provisions of article 17 of the Treaty between the Republic of Poland and the Russian Federation on Friendly and Neighbourly Co-operation of 22 May 1992 as well as the declaration signed therewith by the Presidents of the Republic of Poland and of the Russian Federation,

have agreed as follows:

**Article 1**

1. This agreement shall govern the Parties' co-operation in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and final resting places – Polish ones in the Russian Federation and Russian ones in the Republic of Poland – of soldiers and civilians died, killed or murdered as a result of struggle for independence, warfare or repression, hereinafter referred to as “memorial sites and final resting places”. The provisions of this agreement shall apply to the matters related to the exhumation of remains of the dead and their repeated burial with due respect.
2. In their co-operation, referred to in section 1 of this article, the Parties shall follow the provisions of this agreement and well as the goals and principles of the Geneva Conventions on the Protection of War Victims of 12 August 1994 and Additional Protocols thereto, as well as state, national and religious customs and traditions of the nations of Poland and Russia.
3. The provisions of this agreement shall apply to the graveyards of soldiers and civilians which go beyond the provisions of section 1 of this article which are nevertheless located within the final resting places, referred to in section 1.

**Article 2**

1. The Parties shall exchange any information they have which relate to the location of memorial sites and final resting places, their number and size and personal data of the dead, killed and murdered.
2. On the basis of the information, referred to in section 1 of this article, each Party shall prepare a list of all memorial sites and final resting places.
3. Each Party shall include in the list and provide protection of all the identified memorial sites and final resting places, notifying the other Party accordingly.
4. Arrangement of memorial sites and final resting places shall mean fixing of their limits, raising of tombstones, commemorative signs, monuments and other commemorating burial places. Apart from the existing ones, new monuments may be raised and other forms of commemorating the dead, killed and murdered may be introduced, if they are historically justified.

**Article 10**

1. Each Party shall, in accordance with the legislation of its State, ensure on the territory of its state, free access of citizens of both States to their respective memorial sites and final resting places.
2. The Parties, as required, shall facilitate and favour the establishment and maintenance of museums and meeting places in the neighbourhood of the memorial sites and final resting places, with a view of acquainting the interested persons, mainly youth, with the past and undertaking measures aimed at reconciliation of the nations.

## **JOINT DECLARATION OF THE MINISTRIES OF FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND AND THE RUSSIAN FEDERATION**

In connection with the Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Graveyards and Memorial Sites of Victims of Wars and Repression, signed in Cracow on 22 February 1994, and in their endeavours to build the Polish and Russian relations on the new quality basis, as well as to overcome the negative legacy of the past, conscious of the enormity of suffering caused by the Stalin regime as well as remembering the irreparable losses sustained by the nations of Poland and Russia, the Ministries of Foreign Affairs of the Republic of Poland and the Russian Federation wish to express their conviction that the memorial sites and final resting places of victims of warfare and repression, Polish citizens on the territory of the Russian Federation and Russian citizens on the territory of the Republic of Poland, should enjoy special care and protection.

Guided by good will and humanitarian values, the Russian Party intends to start in May 1994 in Katyń and Miednoje the exhumation of the remains of the victims of the totalitarian regime, including Polish Army officers, and participate in their burial with due respect. The Russian Party declares that it is ready to cover the costs connected with the above and provide assistance in the arrangement of graveyards – monuments in Katyń and Miednoje.

The Russian Party intends also to provide further assistance in the places of martyrdom of the Polish citizens on the territory of the Russian Federation.

The Polish Party declares that it is ready to strictly co-operate with the Russian Party in order to ensure due care about the final resting places of soldiers not covered by this agreement, which are located on the territory of Poland. Decisions involving change of status of such final resting places shall be taken after prior notification of the Russian consular offices in Poland.

Both Parties shall develop co-operation in order to preserve on their territories the memorial sites connected with the history of Poland and Russia.

## **AGREEMENTS CONCLUDED WITH THE REPUBLIC OF UKRAINE**

### **Treaty between the Republic of Poland and Ukraine on Good Neighbourliness, Friendly Relations and Co-operation dated 18 May 1992**

(1993 Journal of Laws no. 125, item 573)

#### **Art. 11.**

1. The Contracting Parties, in accordance with the generally effective international standards on the protection of national minorities, recognise the right of members of the Polish national minority in Ukraine and members of the Ukrainian national minority in the Republic of Poland, individually or together with other members of their group, to retain, express and develop their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law. The Parties shall undertake necessary actions in order to realise this right, in particular the right to:

- teach and learn the native language and in the native language, to use the native language freely, to have access to information in this language, to disseminate and exchange such information ;
- establish and maintain own educational, cultural and religious institutions and associations;
- confess and practice their religion;
- to use their names and surnames in the wording accepted in the native language;
- to establish and to maintain undisturbed relations within the State, as well as trans-border contacts among themselves.

2. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences. Each Party, on its own territory, shall protect the national identity of the minority of the other Party against any actions threatening such identity, and shall create the conditions for strengthening the said national identity.

3. Each person belonging to the Polish national minority in Ukraine and to the Ukrainian national minority in the Republic of Poland should be loyal with respect to the state of residence, similarly like all other citizens, bearing in mind the obligations resulting from the internal legal regulations effective in this State.

**Agreement between the Government of the Republic of Poland and the Government of Ukraine  
on Co-operation in the Area of Culture, Science and Education  
dated 20 May 1997  
(2000 Journal of Laws no. 3, item 29)**

**Art. 12.**

The Contracting Parties shall provide persons belonging to the Ukrainian national minority resident in the Republic of Poland and persons belonging to the Polish national minority resident in Ukraine with the conditions that favour retaining, developing and expressing their national, religious, cultural and linguistic identity, without any discrimination and in conditions of full equality before the law.

The Contracting Parties, on their territories, shall comprehensively support activities of national and cultural organisations of the mentioned above persons and shall create the conditions allowing them to obtain financial assistance from their ethnic fatherland; and shall favour preserving cultural links with their compatriots resident on the territory of the other State.

**Art. 13.**

Each Contracting Party, on its territory, shall provide the persons mentioned in art. 12 of this Agreement with conditions for instruction of the native language and instruction in the native language.

For this purpose, each of the Contracting Parties:

- shall provide the interested persons with the access to instruction in the native language and instruction of the native language in pre-schools, elementary schools and high schools, within the framework of educational systems of Poland and Ukraine, and shall attempt to improve quality of teaching of these subjects;
- shall provide relevant vocational training and skill improvement programs for teachers from the institutions teaching the national minority's native language or in the national minority's native language;
- shall offer the opportunity of employment to the teachers delegated to schools on the basis of Memorandum of Understanding accepted by the Contracting Parties.

**MEMORANDUM OF UNDERSTANDING  
on Co-operation between the Minister of National Education of the Republic of Poland and the  
Ministry of Education and Science of Ukraine  
dated 2 July 2001**

**Art. 1.**

The Parties shall co-operate on the conditions of mutuality and equality before the law, with special care for the following issues:

- exchange of information on the systems of education, their development plans and directions of reforms;
- training of specialists in the areas being the subject of mutual interest;
- development and improvement of quality of teaching of the Polish language in Ukraine and of the Ukrainian language in the Republic of Poland;
- providing the national minorities – the Ukrainian national minority in the Republic of Poland and the Polish national minority in Ukraine – with the conditions for instruction of the native language and instruction in the native language on pre-school level, level of elementary and post-elementary school and at universities;

- supporting scientific co-operation between universities, in particular joint research in the field of history of the Polish-Ukrainian relations and Polish and Ukrainian language and literature;
- supporting organisation of joint scientific events, conferences, symposia and competition for youth;
- developing direct contacts and co-operation between the universities, elementary and post-elementary schools.

#### **Art. 6.**

The Parties shall provide the persons belonging to the Ukrainian national minority resident on the territory of the Republic of Poland and the persons belonging to the Polish national minority resident on the territory of Ukraine with the conditions for instruction in the native language and for instruction of the said native language as well as the minority's culture and history in pre-schools, elementary and post-elementary comprehensive schools, within the framework of systems of education of Poland and Ukraine, and shall favour the improvement of quality of teaching of these subjects.

The parties shall favour creating conditions for teaching of the native language at universities, and shall pay special attention to training of teachers of Polish language and Ukrainian language, to improving their qualifications and to perfecting the command of the national minority by teachers of other subjects lectures in this language.

#### **Art. 7.**

The Parties shall provide mutual assistance in the area of equipping schools and educational institutions with textbooks, methodical literature and aids in order to meet the educational needs of members of national minorities.

### **AGREEMENT**

#### **between the Government of the Republic of Poland and the Government of Ukraine on the Protection of Memorial Sites and Final Resting Places of Victims of Wars and Political Repression of 21 March 1994**

(Journal of Laws no. 112, item 545)

The Government of the Republic of Poland and the Government of Ukraine, hereinafter the Contracting Parties,

In accordance with the endeavours of their nations to commemorate, with due respect, the memorial sites and final resting places of the killed and murdered as a result of warfare or repression, both on the territories of Poland and Ukraine,

Considering the provisions of article 17 of the Treaty between the Republic of Poland and Ukraine on Neighbourliness, Friendly Relations and Co-operation signed in Warsaw on 18 May 1992,

Following the respective provisions of the Geneva Conventions on the Protection of War Victims of 12 August 1994 and Additional Protocols thereto,

In their endeavours to ensure free flow of information and full access to the source verified truth,

Acting to the benefit of friendly relations between both nations and their mutual understanding in the future,

have agreed as follows:

#### **Article 1**

1. The Contracting Parties shall follow the provisions of this agreement in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and final resting places of victims of warfare or political repression as well as to the exhumation of remains of dead bodies and their repeated burial with due respect.

#### **Article 2**

In this Agreement the following expressions shall have the following meaning:

“memorial site” shall mean a places connected with struggle or martyrdom,



“arrangement of memorial sites and final resting places” shall mean fixing of their limits, raising of tombstones, monuments and commemorating burial places and displaying of commemorative plaques, “preservation of memorial sites and final resting places” shall mean protection of graves, tombstones, monuments, commemorating burial places and their maintenance in due order.

### **Article 3**

1. The Contracting Parties shall exchange any information they have relating to the location of memorial sites and final resting places, their number and size and personal data of the killed and murdered as well as any other information relating to those persons, connected with the realisation of this agreement. On the basis of this information, Parties shall prepare official lists of memorial sites and final resting places.

2. In the case of identification of new memorial sites and final resting places, the Contracting Party on whose territory they are located, shall undertake immediate measures aimed at their protection. Such places, against mutual agreement of the Contracting Parties, shall be included in the official lists of the memorial sites and final resting places.

### **Article 4**

1. Each Party, on the territory of its state, shall ensure the preservation of the memorial sites and final resting places of soldiers and civilians of the other Contracting Party, referred to in article 1 of this agreement, in accordance with the relevant provisions of the Geneva Conventions on the Protection on War Victims and Additional Protocols thereto.

2. Each Contracting Party, on the territory of its state, shall favour the undertakings of the other Contracting Party connected with the arrangement of memorial sites and final resting places and commemoration of the killed and murdered; it may involve the use of national and religious symbols. In specific cases, with the consent of the Contracting Parties, also other forms of commemoration of the killed and murdered may be used.

3. The Contracting Parties shall notify each other about any cases of vandalism at memorial sites and final resting places and shall undertake measures aimed at restoring of those places and preventing of similar acts in the future.

4. The Parties shall endeavour to remove from the areas on which memorial sites and final resting places are located and from the adjacent areas, of all objects in disaccord with the status of such places.

5. In the fulfilment of their undertakings referred to in this article, the Contracting Parties shall take account, if necessary, of national customs and religious traditions of other nations.

### **Article 10**

1. Each Contracting Party shall, in accordance with the legislation of its State and the existing bilateral agreements, ensure citizens of the other Contracting Party free access to the memorial sites and final resting places of the compatriots.

2. The Contracting Parties shall favour the establishment and maintenance of museums and meeting places in the neighbourhood of the memorial sites and final resting places.